

BOARD OF COUNTY COMMISSIONERS
CHELAN COUNTY, WASHINGTON

RESOLUTION NO. 2021-101

Summary: A resolution continuing the moratorium enacted on August 25, 2020, pursuant to Resolution 2020-86 and as amended on October 6, 2020 in Resolution 2020-104 and on February 2, 2021 in Resolution 2021-20 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 passed Resolution 2021-95 on July 27, 2021 regarding regulations adopted that are applicable to short-term rentals, and

Whereas, to allow for the required Washington State Department of Commerce sixty-day review of new or amended development regulations, and to allow for staff time for preparation developing and implement the new rental registration process, Chelan County has in Resolution 2021-95 declared that the newly adopted short-term rental regulations do not take effect until September 27, 2021, 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 when it is superseded by the new short-term rental regulation adopted and are in full effect on September 27, 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, nothing in this moratorium binds nor restricts the future short-term rental code from requiring different standards from those of the moratorium, and

Whereas, this moratorium will expire on September 27, 2021 unless extended for good cause by resolution at a later date;

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 to then expire on September 27, 2021.

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.

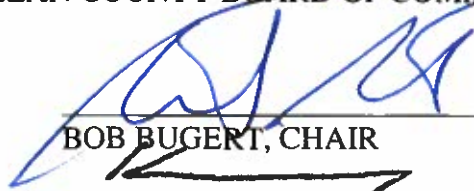
8. This moratorium shall be for the period from August 17, 2021, until midnight on Sunday, September 26, 2021, unless extended for good cause by resolution at a later date.

9. This moratorium took effect immediately upon adoption of Resolution 2020-86, and as amended in Resolutions 2020-104 and 2021-20 and is in the best interests of good government and the public health, safety, and welfare.

DATED at Wenatchee, Washington this 17th day of August, 2021.



CHELAN COUNTY BOARD OF COMMISSIONERS



BOB BUGERT, CHAIR

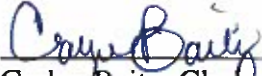


KEVIN OVERBAY, COMMISSIONER

EXCUSED

TIFFANY GERING, COMMISSIONER

Attest:



Carlye Baity, Clerk of the Board

Dated: 8-17-21