



PO Box 308 – 119 North Fourth Street, Skykomish, WA 98288 – (360) 677-2388

TOWN OF SKYKOMISH
SKYKOMISH, WASHINGTON
ORDINANCE NO. 471

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SKYKOMISH, WASHINGTON, ADOPTING A SIX MONTH MORATORIUM ON THE ACCEPTANCE AND APPROVAL OF APPLICATIONS FOR THE ESTABLISHMENT OF SHORT-TERM RENTALS AND BED AND BREAKFAST AND THE LICENSING AND PERMITTING THEREFOR; PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX MONTHS OF THE DATE OF ADOPTION; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, Title 18 of the Skykomish Municipal Code (SMC) is intended to implement the Comprehensive Plan and generally service the public health, safety and welfare of the Town of Skykomish; and

WHEREAS, Title 18 of the SMC contains zoning regulations for allowed land uses within the Town, including transient accommodation uses such as hotels, motels, short term rentals, and bed and breakfast inns; and

WHEREAS, Chapter 18.10 SMC contains general provisions for the regulations of land use and development for the Town of Skykomish, including definitions; and

WHEREAS, provisions relating to transient accommodation were adopted in Ordinance 433 in 2012; and

WHEREAS, regulations for transient accommodation have not been critically reviewed or comprehensively updated for more than 8 years; and

WHEREAS, in recent years, the ease of renting rooms and homes for short term rentals has increased due to the growth and popularity of internet-based services for short-term rentals including but not limited to Airbnb and VRBO, which may negatively affect adjacent properties, the stock of affordable housing within the Town, and the Town overall in ways not previously contemplated; and

WHEREAS, a review of short term rentals available in the Town indicates a growing number of property owners rent their residential properties for short term rentals that meet the codified definitions of bed and breakfast inns but without applying for and receiving the required approval from the Town; and

WHEREAS, the Town has received complaints regarding unpermitted short-term rentals in the Town and complaints regarding the number of short-term rentals that have not been approved or permitted in the Town; and



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WHEREAS, the Town Council and Planning Commission have met and discussed these matters numerous times over the past 18 months; and

WHEREAS, the Town has received more than 10 public comments expressing an interest in the Town's regulation of short-term rentals; and

WHEREAS, there has been an increase in privately-owned residential dwellings being used as short-term rentals in the Town of Skykomish. Online short-term rental platforms such as Airbnb, VRBO, Tripadvisor and others have become an increasingly popular means to market homes available for short-term rentals in the Town of Skykomish; and

WHEREAS, unregulated short-term rentals introduce the possibility for adverse consequences including a reduction in affordable housing and the commercialization of residential neighborhoods; and

WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Skykomish residents and workers; and

WHEREAS, limiting the number of non-hosted short-term rental properties operating in the Town is in the public interest to conserve limited housing resources and protect Skykomish's community character; and

WHEREAS, the Town Council recognizes the current SMC provisions regarding short terms rentals, including bed and breakfast inns, do not address the current reality of operation and patronage of short-term rentals and may no longer be adequate to address issues related to parking, noise, property maintenance, and other issues associated with short-term rentals and therefore may not be in the community's interest; and

WHEREAS, short-term rentals provide a benefit to the Town by expanding the number and type of lodging facilities and will provide increased lodging tax revenue to the Town; and

WHEREAS, the Town Council finds that lodging uses are important to the local economy and appropriate under certain conditions but that the rights of property owners to use their property for economic benefits should be balanced with the rights of property owners to enjoy the comfort and repose of residential neighborhoods; and

WHEREAS, the Town Council finds that the short-term rental uses that fail to follow the Town's permitting standards may place them at an unfair advantage to legitimate lodging uses; and

WHEREAS, the Town is organized under chapter 35 RCW and authorized to adopt ordinances for the public health and welfare of its citizens and, pursuant to RCW 36.70A.390, is authorized to adopt a zoning moratorium; and

WHEREAS, the Town Council sees problems with land use growth in the Town under existing regulations, and is debating this growth in both general and specific ways, and finds that unless the Town acts immediately, there may be adverse impacts on the Town and its citizens; and



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WHEREAS, the Town Council finds it appropriate to review and update development regulations from time to time to ensure that such regulations are understandable, consistent with current federal and State law and the current and future circumstances of the Town, and enforceable; and

WHEREAS, the Town needs additional time to consider possible amendments to the Town's planning documents and development regulations to address these problems; and

WHEREAS, to promote the public health, safety and welfare the Town Council deems it appropriate to impose a moratorium on short-term rental businesses and property applications for a period of six months; and

WHEREAS, a moratorium will provide time for the review and legislative process to occur without allowing currently unpermitted short-term rentals to become vested under current regulations; and

WHEREAS, a public hearing will be held on or before Sept 10, 2020 the Skykomish Town Council, after which time the Town may adopt additional findings relevant to this moratorium;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SKYKOMISH, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the Town Council's initial findings of fact in support of the moratorium established by this Ordinance. The Town Council may, in its discretion, adopt additional findings after the public hearing referenced below.

Section 2. Moratorium Imposed. As authorized by the Growth Management Act, RCW 35A.63.220, a moratorium is imposed upon the filing of applications for approvals, licenses, or permits associated with Bed and Breakfast Inns or short-term rentals located within the Town of Skykomish. This moratorium shall not affect vested rights established pursuant to previously filed and fully complete applications.

Section 3. Effective Duration of Moratorium. The moratorium established in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The Town Council will hold a public hearing within 60 days of adoption of this Ordinance in order to take public testimony and to consider adopting further findings of fact.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or



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regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SKYKOMISH,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 27th DAY OF July 2020.**

TOWN OF SKYKOMISH

Henry Sladek, Mayor

APPROVED AS TO FORM

ATTEST

Hillary Evans Graber, Town Attorney

Desirae Bearden, Town Clerk/Treasurer