



Ordinance No. 4042

An Ordinance Amending the Development Regulations Contained in Anacortes Municipal Code Title 19, Unified Development Code, Section 19.42.050, Bonus Height Incentives in the R4, C and CBD Use Zones

Whereas the City of Anacortes adopted new development regulations in 2019 that, among other things, created new regulations governing the height limit in the R4 zone;

Whereas AMC 19.42.050C allows for an additional 10 feet of height over the standard height limit of 40 feet in the R4 zone when 25% of the units in a building are 600 square feet or less

Whereas the bonus height provisions have been the subject of a number of community concerns;

Whereas RCW 35A.63.220 and AMC 19.16.110 authorize the City Council to adopt and renew moratoria, interim zoning ordinances, and interim official controls as a technique to preserve the status quo while new plans and regulations are developed;

Whereas the City Council adopted a moratorium on use of the small-unit bonus height provisions of AMC 19.42.050.C in October 2019 by Ordinance 3054;

Whereas the City Council extended the moratorium a number of times during the pandemic through Ordinances 3069, 3076, 3088, and 4031;

Whereas the City Council proposed a number of alternatives for review by the public and Planning Commission;

Whereas the City advertised a written comment period on November 23, 2022 through December 14, 2022 and the Planning Commission held a public hearing on December 14 2022 and January 11, 2023;

Whereas the Planning Commission recommended the City Council allow the moratorium to expire with no permanent change to the code, which would again allow use of the bonus height provision;

Whereas the current moratorium will expire on April 3, 2023;

Whereas AMC 19.16.090 provides that if the City Council adopts a substantial change from the options originally proposed for public comment it must allow an additional public comment opportunity prior to final action;

Whereas the City advertised a written comment period on February 15, 2023, through March 6, 2023 and the City Council held a public hearing on March 6, 2023;

Whereas AMC 19.16.090.D provides that if the City Council adopts a substantial change from the original proposal, it must adopt its own findings of fact and reasons for action, setting forth the factors considered in the public comment or at the hearing and its own analysis of findings considered by it to be controlling;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. Findings of Fact and Reasons for Action.

- a. The above recitals are hereby adopted as findings of fact.
- b. The need for additional housing in Anacortes, especially to serve the lower end of the housing market, is severe;
- c. The small units that are the subject of the bonus height provisions of AMC 19.42.050.C are a good way to incentivize the market to provide less expensive housing and a type of unit that is largely absent in the current market;
- d. Because allowing additional height imposes costs on adjacent neighborhoods, it is appropriate to increase the proportion of small units required to obtain the bonus height to ensure the City is obtaining a reasonable tradeoff;
- e. The open space requirements in AMC 19.62.040.B lead to development of rooftop decks on tall buildings;
- f. Rooftop decks result in flat roofs that may not be architecturally desirable; additional projections above the height limit for railing, elevator shaft, and staircase; and drive up the cost of development and therefore the cost of housing;
- g. Open space for building residents can be more effectively provided by balconies or other interior common open spaces.

Section 2. The amendments to AMC 19.42.050 shown in Attachment A are hereby adopted.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage and publication.

PASSED and APPROVED this 20th day of March, 2023.

APPROVED:



Matt Miller, Mayor

Attest:

Steven D. Hoglund
Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam
Darcy Swetnam, City Attorney

Attachment A

19.42.050 Bonus incentives in the R4, C, and CBD zones.

- A. *Purpose.* To allow flexibility in building height in exchange for the integration of ~~affordable-less~~ expensive dwelling units into the development.
- B. *Applicability.* Height bonuses are available to development in the R4, C, and CBD zones as established in this chapter, provided it complies with one of the affordable housing options in this section.
- C. *Option 1: Small Units.* Developments where at least ~~25-50~~ percent of the total dwelling units contain no more than 600 square feet of gross floor area qualify for the height bonus.
- D. *Option 2: Affordable Units.* [No change]

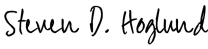
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	904 6th St
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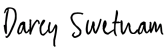
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Signer Events

Signer Events	Signature	Timestamp
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Darcy Swetnam darcys@cityofanacortes.org City Attorney Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 3/20/2023 11:04:54 PM Viewed: 3/21/2023 8:13:24 AM Signed: 3/21/2023 8:14:04 AM
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Electronic Record and Signature Disclosure:
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Matt Miller mattm@cityofanacortes.org Mayor City of Anacortes Security Level: Email, Account Authentication (None)	 Signature Adoption: Uploaded Signature Image Using IP Address: 100.15.197.120	Sent: 3/21/2023 8:35:17 AM Viewed: 3/24/2023 7:38:32 AM Signed: 3/24/2023 7:39:29 AM
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Not Offered via DocuSign

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Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
