Ordinance No. 4046

An Interim Ordinance Declaring an Emergency and Adopting a Moratorium on the Acceptance of Certain Land Use, Building Permit, and Business License Applications in the Commercial, Central Business District, Marine Mixed Use and Commercial Marine Use Zones Regarding Short Term Rentals in Residential Dwelling Units

Whereas the City of Anacortes adopted new development regulations in 2019 (Ordinance 3040) that, among other things, created new regulations governing permitted uses in the Commercial, Central Business District, Marine Mixed Use, and Commercial Marine zones;

Whereas AMC 19.44.050 defines "overnight lodging" as rental of lodging for a period less than 30 days;

Whereas the Commercial Use, Central Business District, Marine Mixed Use and Commercial Marine Use zones allow both residential development and overnight lodging;

Whereas use of residential dwelling units as overnight lodging in residential zones is already prohibited by AMC 19.41.040;

Whereas use of residential dwelling units as overnight lodging in these commercial zones has been the subject of community concern and is contrary to the City's goals of promoting housing development for people who live and work in Anacortes;

Whereas development of residential dwelling units entitles the developer to lower impact and connection and utility fees than required for commercial development due to the expected lower impacts from bona fide residential occupancy;

Whereas the City Council desires to review the permitted uses in the Commercial , Central Business District, Marine Mixed Use, and Commercial Marine zones;

Whereas RCW 36.70A.390 and AMC 19.16.110 authorize the City Council to adopt moratoriums, interim zoning ordinances and interim official controls;

Whereas a moratorium is a recognized technique to preserve the status quo while new plans and regulations are developed and avoid a rush for permits when a community desires to change its planning ordinances;
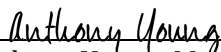
Whereas, as an interim ordinance, pursuant to WAC 197-11-880, the adoption of this ordinance is not subject to review under the State Environmental Act;

Now, therefore, the City Council of the City of Anacortes does ordain as follows and adopts the following as findings of fact:

Section 1.   The above recitals are incorporated by reference as findings of fact.

Section 2.   A moratorium is hereby declared on the acceptance of any land use, building permit, or business license application for any use constituting rental of lodging for a period less than 30 days, or establishment of any such use, within a residential dwelling unit within the Commercial, Central Business District, Marine Mixed Use, and Commercial Marine zones.

Section 3.   The City Council finds that an emergency exists under RCW 35A.12.130 and this ordinance is necessary for the protection of public health, public safety, public property, or the public peace, and with adoption by a majority plus one of the entire membership of the City Council is effective immediately.

Section 4.   Pursuant to RCW 36.70A.390, the City Council will hold a public hearing on this interim ordinance within 60 days of adoption and adopt findings of fact immediately after that public hearing.

Section 5.   Pursuant to 36.70A.390 this moratorium is effective for six months and may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

PASSED and APPROVED this 27th day of March 2023.

APPROVED:

Anthony Young
_____
Anthony Young, Mayor Pro Tempore

Attest:

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

Approved as to Form:

_____
Darcy Swetnam, City Attorney

Certificate Of Completion

Envelope Id: C2931573BB7B43E49F0DEDF3B75B1B8B
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Certificate Pages: 5
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Anacortes, WA 98221
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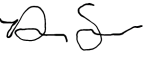
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    3/28/2023 9:09:23 AM

Holder: City Clerk
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Signer Events	Signature	Timestamp
Steven D. Hoglund steveh@cityofanacortes.org City Clerk/Treasurer City of Anacortes Security Level: Email, Account Authentication (None)	*Steven D. Hoglund* Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 3/28/2023 9:11:06 AM Viewed: 3/28/2023 1:59:47 PM Signed: 3/28/2023 1:59:51 PM

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Darcy Swetnam darcys@cityofanacortes.org City Attorney Security Level: Email, Account Authentication (None)	*signature* Signature Adoption: Drawn on Device Using IP Address: 174.204.64.133 Signed using mobile	Sent: 3/28/2023 9:11:05 AM Viewed: 3/29/2023 2:21:07 PM Signed: 3/29/2023 2:21:18 PM

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Anthony Young anthony@cityofanacortes.org Security Level: Email, Account Authentication (None)	*Anthony Young* Signature Adoption: Pre-selected Style Using IP Address: 67.183.72.171	Sent: 3/29/2023 2:21:19 PM Viewed: 4/1/2023 12:00:37 PM Signed: 4/1/2023 12:00:58 PM

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In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure