



Ordinance No. 4070

An Ordinance Amending the Regulations Contained in Anacortes Municipal Code Section 19.41.040 *Principal Uses Permitted in Residential Zones* and AMC 19.43.010 *Household Living* to Change Certain Housing Types from Conditional Uses to Permitted Outright Uses in the R2 and R3 Zones.

Whereas, on July 18, 2016, the City Council adopted Ordinance 2982 adopting a new Comprehensive Plan pursuant to the City's periodic Growth Management Act Comprehensive Plan amendment and update process; and

Whereas, the Anacortes Comprehensive Plan provides guidance for amending the Anacortes Municipal Code (AMC) development regulations and official zoning map to implement its land use, housing, economic development, transportation, environment and conservation, and other goals and policies; and

Whereas, the Anacortes Comprehensive Plan directs the City to provide for a wide variety of housing types to meet the full range of housing needs for Anacortes' evolving population and to enhance regulatory predictability through streamlining regulations and permitting; and

Whereas, the purpose of the conditional use permit review process is to address the unusual characteristics of a specific use or area in which it is to be located;

Whereas, the Anacortes Municipal Code already contains development standards that adequately address the characteristics and impacts of duplexes, triplexes and other residential uses, thereby making conditional use permit review unnecessary;

Whereas, on January 17, 2023, the City Council adopted Resolution 3104 adopting a Housing Action Plan which recommends strategies to improve the availability and affordability of housing for the entire community; and

Whereas, the proposed amendments are consistent with the Comprehensive Plan and changes recommended by the Housing Action Plan;

Whereas, the proposed amendments are in the best interests of the City of Anacortes residents; and

Whereas, the proposed amendments as set forth herein have been processed, reviewed, considered, and adopted in material compliance with all applicable state and local procedural requirements, standards and requirements, standards, and criteria, including but not limited to the requirements of Chapter 36.70A RCW.

Whereas, a public comment opportunity was provided for the proposed amendments at the December 13, 2023 Planning Commission meeting; and

Whereas, the City Council considered the Planning Commission recommendation at a meeting on January 22, 2024.

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

Section 1. Findings. The above recitals are hereby adopted by reference as legislative findings in support of this ordinance.

Section 2. Development Regulation Amendments Adopted. The Anacortes Municipal Code at Sections 19.41.040 and 19.43.010 are hereby amended to read as shown in **Attachment A.**

Section 3. Transmittal to State. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 4. Severability. If any section, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 5. Effective Date. Consistent with RCW 35A.12.130, this ordinance takes effect 5 days after publication.

Section 6. PASSED and APPROVED this 22nd day of January 2024.

CITY OF ANACORTES:



Matt Miller, Mayor

Attest:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetham, City Attorney

AMC Table 19.41.040 is hereby amended to read:




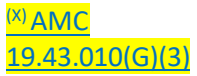

19.41.040 Principal uses permitted in residential zones.

Table 19.41.040 below provides the list of permitted principal uses in residential zones.

NOTE: Accessory uses are not shown in these principal use charts. See AMC Chapter 19.47, Accessory Uses and Structures, for applicable accessory use provisions.

Table 19.41.040

Principal uses permitted in residential zones.

Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
RESIDENTIAL									
Household Living, as listed below									AMC <u>19.43.010(A)</u>
Single-family	P	P	P	P	P	P	P	P	AMC <u>19.43.010(B)</u>
Single-family, small lot				P	P	P	P		AMC <u>19.43.010(C)</u>
Cottage housing		P	P	P	P	P	P		AMC <u>19.43.010(D)</u>
Duplex			P	P	P	P	P	P	AMC <u>19.43.010(E)</u>
Triplex					P	P	P		AMC <u>19.43.010(F)</u>
Townhouse					P	P	P		AMC <u>19.43.010(G)</u> 
Multifamily, 4 units					P	P	P		AMC <u>19.43.010(H)</u> and <u>(I)</u>

Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Multifamily, 5 or more units						P	P		AMC <u>19.43.010(H)</u> and <u>(I)</u>
Live-work									AMC <u>19.43.010(J)</u>

AMC 19.43.010(G) Townhouses is hereby amended to read:

G. *Townhouses.*

1. *Definition.* A dwelling unit in a row of at least three such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

2. *Purpose.*

- a. To enhance the character of the street.
- b. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape.
- c. To de-emphasize garages and driveways as major visual elements along the street.
- d. To provide usable open space for residents.
- e. To reduce the apparent bulk and scale of large townhouse buildings.
- f. To promote architectural variety that adds visual interest to the neighborhood.

3. *Zone-Specific Standards.*

a. *R3 and R3A Zone Standards.* Townhouse structures with up to four 4 attached units are permitted by right. in the R3A zone and conditionally permitted in the R3 zone. Townhouse structures with more than four 4 attached units are prohibited in the R3 and R3A zones.

b. *R4 and R4A Zone Standards.* Townhouse developments have the following form and intensity adjustments from Table 19.42.020:

- i. Maximum lot coverage: 60 percent.

- ii. Minimum landscaped area: 15 percent.
- c. In the MMU zone east of Q Avenue, townhouses and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).
- d. *C Zone Standards.*
 - i. Townhouses that do not meet the standards for live-work dwellings that front on Commercial Avenue within the C zone are prohibited.
 - ii. Townhouses that do not meet the standards for live-work dwellings are prohibited within the C zone south of 41st Street.

.....

.....4-10 – No change.

Certificate Of Completion

Envelope Id: C070A7693C084A7789C6D14D5E9DEA78

Status: Completed

Subject: SIGNATURE REQUIRED: Approved Ordinance 4070

Source Envelope:

Document Pages: 5

Signatures: 3

Envelope Originator:

Certificate Pages: 5

Initials: 0

City Clerk

AutoNav: Enabled

PO Box 547

Envelopeld Stamping: Enabled

904 6th St

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Anacortes, WA 98221

cityclerk@cityofanacortes.org

IP Address: 23.90.91.2

Record Tracking

Status: Original

Holder: City Clerk

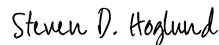
Location: DocuSign

1/23/2024 10:48:06 AM

cityclerk@cityofanacortes.org

Signer Events**Signature****Timestamp**

Steven D. Hoglund



Sent: 1/23/2024 10:52:32 AM

steveh@cityofanacortes.org

Viewed: 1/23/2024 5:13:36 PM

City Clerk/Treasurer

Signed: 1/23/2024 5:13:40 PM

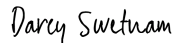
City of Anacortes

Security Level: Email, Account Authentication
(None)Signature Adoption: Pre-selected Style
Using IP Address: 23.90.91.2**Electronic Record and Signature Disclosure:**

Accepted: 1/8/2019 2:26:27 PM

ID: 9b1630a8-aa5f-4ac5-93eb-5700d104d979

Darcy Swetnam



Sent: 1/23/2024 10:52:32 AM

darcys@cityofanacortes.org

Viewed: 1/24/2024 8:20:03 AM

City Attorney

Signed: 1/24/2024 8:20:10 AM

Security Level: Email, Account Authentication
(None)Signature Adoption: Pre-selected Style
Using IP Address: 23.90.91.2**Electronic Record and Signature Disclosure:**

Accepted: 1/24/2024 8:20:03 AM

ID: 65650a75-1ef1-404c-a44e-d77dc9544eca

Matt Miller



Sent: 1/24/2024 8:20:12 AM

mattm@cityofanacortes.org

Viewed: 1/25/2024 3:23:31 PM

Mayor

Signed: 1/25/2024 3:23:38 PM

City of Anacortes

Security Level: Email, Account Authentication
(None)Signature Adoption: Uploaded Signature Image
Using IP Address: 23.90.91.2**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

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
Envelope Sent	Hashed/Encrypted	1/23/2024 10:52:32 AM
Certified Delivered	Security Checked	1/25/2024 3:23:31 PM
Signing Complete	Security Checked	1/25/2024 3:23:38 PM
Completed	Security Checked	1/25/2024 3:23:38 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

CONSUMER DISCLOSURE

From time to time, Ingram Micro OBO Cities Digital Inc OBO City of Anacortes (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign, Inc. (DocuSign) electronic signing system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after signing session and, if you elect to create a DocuSign signer account, you may access them for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Ingram Micro OBO Cities Digital Inc OBO City of Anacortes:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: orders@citiesdigital.com

To advise Ingram Micro OBO Cities Digital Inc OBO City of Anacortes of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at orders@citiesdigital.com and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc. to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in the DocuSign system.

To request paper copies from Ingram Micro OBO Cities Digital Inc OBO City of Anacortes

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to orders@citiesdigital.com and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Ingram Micro OBO Cities Digital Inc OBO City of Anacortes

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to orders@citiesdigital.com and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)

PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

** These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC CONSUMER DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Ingram Micro OBO Cities Digital Inc OBO City of Anacortes as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Ingram Micro OBO Cities Digital Inc OBO City of Anacortes during the course of my relationship with you.