



Ordinance No. 4071

An Ordinance Amending the Regulations Contained in Anacortes Municipal Code Section 19.47.030 Accessory Dwelling Unit (ADU) to Remove the Requirement for a Property Owner to Reside on a Property Containing an ADU

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, pursuant to RCW 36.70A.600, on January 17, 2023, the City Council adopted Resolution 3104 adopting a Housing Action Plan to improve the availability and affordability of housing for the entire community; and

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

Whereas, Engrossed House Bill (EHB) 1337 passed by the Washington State Legislature in 2023, in part, prohibits a city or county from requiring the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot; and

Whereas, the City Council intends to adopt additional amendments to the City's accessory dwelling unit provisions to fully comply with EHB 1337 by December 30, 2025; and

Whereas, the proposed amendment to AMC Section 19.47.030 is in the best interest of the City of Anacortes residents; and

Whereas, the proposed amendment to the AMC Section 19.47.030 as set forth herein has 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 change to Section 19.47.030 at the December 13, 2023 Planning Commission meeting, after which the Planning Commission voted to recommend approval of the amendments;

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

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 Section 19.47.030 is 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:



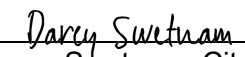
Matt Miller, Mayor

Attest:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

AMC 19.47.030 is amended to read:

19.47.030 Accessory dwelling unit (ADU).

A. *Definition.* A second dwelling unit attached or detached from the primary residential unit on a lot.

B. *Purpose.* The purpose of an accessory dwelling unit is to:

....1 – 9 – No change.

~~10. Owner Occupancy.~~

~~a. Either the principal or accessory dwelling unit must be occupied by an owner of the property for six or more months of each calendar year as the owner's permanent residence. "Owners" includes title holders and contract purchasers. The applicant must record a notice against the property title with the county auditor, on forms provided by the Department, describing this requirement.~~

~~b. The Director may waive the requirement of subsection (C)(10)(a) of this section for up to three years if a letter is submitted that provides evidence of good cause for the waiver. Good cause may include job dislocation, military deployment, sabbatical leave, education, or illness. (Ord. 3040 5 2 (Att. A), 2019)~~

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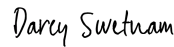
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Darcy Swetnam

darcys@cityofanacortes.org

City Attorney

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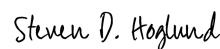
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Steven D. Hoglund

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Matt Miller

mattm@cityofanacortes.org

Mayor

City of Anacortes

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Certified Delivered	Security Checked	1/25/2024 3:23:07 PM
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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
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