



Ordinance No. 4075

An Ordinance Amending the Regulations Contained in Anacortes Municipal Code Section AMC 19.41.050 *Principal Uses Permitted in Mixed Use and Industrial Zones* and AMC 19.44.050 *Overnight Lodging to Add a Definition and Regulations for Short-Term Rentals and to Prohibit New Short-Term Rentals in Commercial, Central Business District, Marine Mixed Use, and Commercial Marine 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 City of Anacortes adopted new development regulations in 2019 (Ordinance 3040) that, among other things, created new regulations governing permitted uses in the Commercial (C), Central Business District (CBD), Marine Mixed Use (MMU), and Commercial Marine (CM) zones; and

Whereas the C, CBD, MMU, and CM zones allow both residential development and overnight lodging; and

Whereas use of residential dwelling units as overnight lodging in these mixed-use 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; and

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

Whereas the City Council adopted Ordinance 4046 declaring a moratorium 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, CBD, MMU, and CM zones; and

Whereas the City Council adopted Ordinance 4052 extending the moratorium adopted by Ordinance 4046 and adopting a work plan for development of permanent regulations; and

Whereas the Planning Department prepared draft regulations addressing overnight lodging use of residential dwelling units in accordance with the work plan; and

Whereas the proposed amendments as set forth herein are in the best interest 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 via a written comment period and at the February 28, 2024, Planning Commission meeting public hearing, after which the Planning Commission voted to recommend approval of the amendments;

Whereas the City Council considered the Planning Commission recommendation at its regular meeting on March 18, 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 Section 19.41.050 and 19.44.050 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.

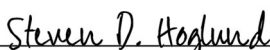
PASSED and APPROVED this 18th day of March 2024.

CITY OF ANACORTES:



Matt Miller, Mayor

Attest:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam
Darcy Swetnam, City Attorney

AMC Ch. 19.41 Allowed Uses is amended as follows:

**Table 19.41.050
Principal uses permitted in mixed-use and industrial zones.**

Principal Use	CBD	C	MMU	CM	CM2	LM	MS	I	HM	P	AZ	Reference
.....												
Overnight Lodging, <u>except as listed below</u>	P	P	P	P		C						AMC 19.44.050(A)
<u>Short-Term Rental</u>												<u>AMC 19.44.050(D)</u>

AMC Ch. 19.44 Commercial Uses is amended as follows:

19.44.050 Overnight lodging.

A. *Overnight Lodging Category.* Accommodations arranged for short-term stays (less than 30 days). Overnight lodging includes, but is not limited to:

1. Bed and breakfast.
2. Hotel/motel.
3. Short-term rentals.
- 3 4. Youth hostel.

B. *Bed and Breakfast.*

1. *Definition.* A single-family residential unit which provides transient lodging, for compensation, by renting up to six sleeping room accommodations.
2. *Purpose.* This section is intended to ensure parking, impact on surrounding neighbors, health and safety, and other considerations limit any adverse impacts of bed and breakfasts on the surrounding neighborhood.
3. *Requirements.*
 - a. The owner must be the operator of the facility and must reside on the premises.

- b. The owner's quarters and guest rooms must all be in the main building.
- c. If located in a residential zone, the facility must be operated in such a manner as not to give the outward appearance of a business in the ordinary meaning of the term.
- d. The use must provide off-street parking, including parking for the primary residence per AMC Chapter 19.64 in addition to one parking space per guest room.

C. *Hotel/Motel.*

1. *Definition.* A building or portion thereof designed or used for short-term rental of units for sleeping purposes, with or without cooking facilities, and which may include related accessory uses such as shared dining facilities, recreation facilities, and meeting facilities.

D. Short-Term Rental

1. Definition. "Short-Term Rental" means an overnight lodging use, that is not a hotel or motel, or a bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest for a fee for fewer than 30 consecutive nights.
2. C, CBD, MMU and CM Zone standards.
 - a. Short-term rentals in the C, CBD, MMU and CM zones that were lawfully established and obtained a city business license prior to the date of adoption of Ordinance 4046 (May 22, 2023) may continue to operate so long as the short-term rental maintains a current city business license and complies with all applicable local and state regulations.

E. Youth Hostel.

1. *Definition.* Relatively affordable overnight lodging with shared dormitory-style facilities.


Certificate Of Completion

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Subject: SIGNATURE REQUIRED: Approved Ordinance 4075	
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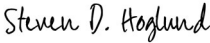
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Darcy Swetnam darcys@cityofanacortes.org City Attorney Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 3/19/2024 9:36:21 AM Viewed: 3/19/2024 10:09:20 AM Signed: 3/19/2024 10:09:27 AM

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ID: 8b9f3de1-3dce-4fc4-b0b5-16a4b2191013

Steven D. Hoglund steveh@cityofanacortes.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.90.91.2	Sent: 3/19/2024 9:36:22 AM Viewed: 3/19/2024 9:55:51 AM Signed: 3/19/2024 9:55:57 AM
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Matt Miller mattm@cityofanacortes.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Uploaded Signature Image Using IP Address: 23.90.91.2	Sent: 3/19/2024 10:09:28 AM Viewed: 3/19/2024 2:16:39 PM Signed: 3/19/2024 2:20:26 PM
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