

Ordinance No. 3069

An Interim Ordinance Extending Ordinance 3054 a Moratorium on the Acceptance of Certain Land Use Applications in the R4 Zone

Whereas the City of Anacortes recently adopted new development regulations (Ordinance 3040) that, among other things, created new regulations governing the height limit in the R4 zone;

Whereas the bonus height provisions of AMC 19.42.050., which allow for an additional 10 feet of height over the standard height limit of 40 feet, have been the subject of community concerns and comments;

Whereas the City Council desires to review the maximum building height in the R4 zone;

Whereas the City Council adopted Ordinance 3054 on October 21, 2019, declaring a moratorium on the acceptance of land use applications in the R4 Zone that seek to allow the height bonus provided in Section 19.42.050 AMC; and

Whereas the City Council adopted Resolution 2068 on December 2, 2019, which affirmed the moratorium and adopted a work plan for evaluating bonus height provisions in the R4 Zone west of the Commercial Zone; and

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

Whereas the work plan adopted in Resolution 2068 has been interrupted by the current COVID 19 emergency; and

Whereas the moratorium adopted in Ordinance 3054 is set to expire on April 21, 2020, if it is not extended prior to that date; and

Whereas the City Council now finds that additional time is required to complete the actions in the work plan adopted by Resolution 2068; and

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 Policy 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 adopted as findings of fact.

Section 2. 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 (i.e., 5 members) is effective immediately.

Section 3. The moratorium declared by Ordinance 3054 is hereby renewed for an additional six months on the acceptance of any land use or building permit application within the R4 zone west of "O" Ave that proposes to utilize the bonus height provisions of AMC 19.42.050.C.

Section 4. Pursuant to RCW 36.70A.390, the City Council held a public hearing on this interim ordinance extension on April 20, 2020 by accepting written comment due to the COVID 19 emergency and will hold full open public hearing following the expiration of the COVID19 emergency.

Section 5. This moratorium is effective through October 21, 2020, but may be renewed for an additional six-month period if a subsequent public hearing is held and findings of fact are made prior to renewal.

Section 6. The City Council supports review and consideration of alternatives to the bonus height provisions of AMC 19.42.050 in the R4 Use Zone west of Commercial Use Zone.

Section 7. AMC 19.42.050 D.1 is amended to read, "All living units must meet the affordability requirements of AMC 19.42.050 D.3, D.4, D.5 and D.6."

PASSED and APPROVED this 20th day of April, 2020.

APPROVED:



Laurie Gere, Mayor

Attest:



Steve Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney