

## **Ordinance No. 3088**

### **An Interim Ordinance Extending Ordinance 3054, Ordinance 3069, and Ordinance 3076 a Moratorium on the Acceptance of Certain Land Use Applications in the R4 Zone West of the Commercial Zone**

**Whereas** the City of Anacortes 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 west of the Commercial Zone; and

**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 west of the commercial zone that seek to allow the height bonus provided in Section 19.42.050 C AMC; and

**Whereas** the City Council adopted Resolution 3005 on October 19, 2020, 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** the City Council adopted Ordinance 3069 on April 20, 2020, which affirmed the moratorium and extended it for an additional six months, through October 21, 2020; and

**Whereas** the City Council adopted Ordinance 3076 on October 12, 2020, which affirmed the moratorium and extended it for an additional six months, through April 21, 2021;

**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 3005 has been interrupted by the current COVID 19 emergency; and

**Whereas** the moratorium extension adopted in Ordinance 3076 is set to expire on April 21, 2021, 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 3005 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 and extended by Ordinance 3069 and Ordinance 3076 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 the Commercial Zone 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 12, 2021 by accepting both in-person participation via the Zoom video platform and written comment due to the COVID 19 emergency.
- Section 5. This moratorium is effective through October 12, 2021 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.

**PASSED and APPROVED this 12<sup>th</sup> day of April, 2021.**

**APPROVED:**

*Laurie Gere*

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Laurie Gere, Mayor

**Attest:**

*Steve Hoglund*

\_\_\_\_\_  
Steve Hoglund, City Clerk-Treasurer

**Approved as to Form:**

*Darcy Swetnam*

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Darcy Swetnam, City Attorney

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steveh@cityofanacortes.org  
City Clerk/Treasurer  
City of Anacortes  
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Security Level: Email, Account Authentication (None)

Signature Adoption: Pre-selected Style  
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PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
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