TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 745

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, ADOPTING A SIX MONTH MORATORIUM ON THE ESTABLISHMENT OF GUEST HOUSES IN ALL TOWN ZONES AND THE LICENSING AND PERMITTING THEREOF; PROVIDING FOR A PUBLIC HEARING; ESTABLISHING AN EFFECTIVE DATE; PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX MONTHS OF THE DATE OF ADOPTION; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Coupeville Town Code (CTC) contains regulations for the establishment of transient accommodations, including Hotels, Motels, Bed and Breakfast Inns, and Guest Houses; and

WHEREAS, the CTC provisions for Guest Houses and other transient accommodations have not been reviewed or modified since adoption of Ordinance 604 in 2000; and

WHEREAS, in recent years the ease of registering rooms and homes for transient accommodation, including Guest Houses as defined in Town Code, has increased due to the emergence and popularity of internet-based services for short-term rentals including but not limited to Airbnb and VRBO, which may negatively affect adjacent properties and the town overall in ways not previously contemplated; and

WHEREAS, a survey of facilities available for transient accommodations within the town indicates that a number of property owners currently rent residential properties for transient accommodation including Guest Houses, although not all such uses may be appropriately permitted through the Town’s land use permitting process; and

WHEREAS, the Town Council is concerned that the current permitting requirements, and zoning regulations for transient accommodations, with particular reference to Guest Houses, may no longer be adequate to address parking issues, noise issues, property maintenance issues, and other issues associated with short-term property rentals and therefore may not be in the community’s interest; and

WHEREAS, the Town Council intends to review and, if appropriate, amend regulations for Guest House uses as set forth in Town Code, including but not limited to CTC 16.10.080, for all Town zoning designations, which will be subject to public review and comment; and

WHEREAS, the Town is organized under chapter 35.27 RCW and authorized to adopt ordinances for the public health and welfare of its citizens and, pursuant to RCW 36.70A.390, is authorized to adopt a zoning moratorium;

Ordinance 745
Page 1
WHEREAS, a moratorium will provide time for the review and legislative process to occur without allowing currently unpermitted transient accommodation uses to become vested under current regulations; and

WHEREAS, a public hearing will be held on July 10, 2018, before the Coupeville Town Council;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Moratorium. Pursuant to the provisions of RCW 36.70A.390 and the recitals as set forth above, which are hereby adopted by this reference, a zoning moratorium is hereby enacted in the Town of Coupeville prohibiting the licensing, permitting, or establishment of any Guest House, as defined in Coupeville Town Code section 16.04.060, in all commercial and residential zoning designations as set forth in the Coupeville Town Code.

Section 2. Work Plan. The Town Council hereby directs that a work plan be developed by Town staff to identify a process for review of current regulation for Guest Houses and options for amending the Town regulations. Said work plan will be presented to the Town Council for review before the sunset of this ordinance.

Section 3. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

Section 4. End Date of Moratorium Unless Extended. This moratorium shall remain in effect for six months until December 12, 2018, unless earlier terminated as a result of the public hearing as set forth in Section 5 below. The Town Council may extend the moratorium consistent with the terms of chapter 36.70A RCW.

Section 5. Public Hearing. Pursuant to RCW 36.70A.390, a public hearing shall be held on the moratorium at approximately 6:30 p.m., on July 10, 2018, (within 60 days of adoption of this ordinance) at the Island County Commissioners’ Hearing Room at 1 NE Sixth Street, Coupeville, Washington.

Section 6. Declaration of Emergency. The Town Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council. Without an immediate moratorium by the Town of Coupeville prohibiting the licensing, permitting, or establishment of any Guest House, as defined in Coupeville Town Code section 16.04.060, in all commercial and residential zoning designations as set forth in the Coupeville Town Code, development applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the Town. Therefore, in order to prevent attempts to vest to rights for an indefinite period of time, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prohibit the licensing, permitting, or establishment of any Guest House, as defined in Coupeville Town Code section 16.04.060, in all
commercial and residential zoning designations. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the Town as this Ordinance only applies to a Guest House as defined in Coupeville Town Code section 16.04.060.

Section 7. Severability. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 8. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 6, as long as it is approved by a majority plus one of the entire membership of the Council.

ADOPTED by the Town Council and APPROVED by the Mayor this 12th day of June 2018.

TOWN OF COUPEVILLE

By

Molly Hughes, Mayor

ATTEST:

APPROVED AS TO FORM:

By

Kelly Beech, Clerk-Treasurer

By

Grant Weed, Town Attorney

Date of Publication: June 16, 2018