

ORDINANCE NO. _____

AN ORDINANCE of the City of Port Angeles, imposing a moratorium on the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting of short term rental uses, structures, residences, businesses, lots, zones, buildings.

WHEREAS, a short term rental is a residential dwelling or portion thereof, either detached or attached, rented out on a nightly basis for less than 30 days to an individual, family, or group of transient guests, is not a permitted hotel, motel, or bed and breakfast, and includes structures, buildings, and residences where the owner or manager is either on site or not, and includes but is not limited to properties that are advertised on internet platforms such as Airbnb and HomeAway, and

WHEREAS, PAMC 17.08.095.D defines a short term rental as a lodging or guest rooms used, rented or occupied for guest sleeping purposes for a period of time 30 days or less, and that contain kitchen facilities for food preparation, including, but not limited to, refrigerators, stoves and ovens. This definition includes dwelling units used, rented or hired out for vacation homes or short-term rentals that allow guests to stay for 30 days or less., and

WHEREAS, short term rentals are currently allowed in Residential Medium Density, Residential High Density, Commercial; Commercial Arterial, and Commercial Regional zones within the City of Port Angeles; and

WHEREAS, short term rentals that are currently operating outside of Residential Medium Density, Residential High Density, Commercial; Commercial Arterial, and Commercial Regional zones within the City of Port Angeles are operating illegally; and

WHEREAS, the City of Port Angeles expects to be engaged in the process of drafting, reviewing, and seeking public input and testimony, for several months, regarding regulations applicable to short term rentals, and

WHEREAS, the City of Port Angeles expects to receive large volumes of public input regarding potential regulations pertaining to short term rentals and expects said public input will be both positive and negative, and

WHEREAS, anecdotal evidence indicates that short term rentals have increased to a great extent in the City of Port Angeles and continue to rise, and

WHEREAS, short term rentals have potential negative impacts on residential areas not originally anticipated, including but not limited to nuisance impacts such as excess garbage, insufficient parking, excess noise, trespassing, infringement upon privacy, lack of sewer capacity, increased fire risk, zoning code violations, inadequate insurance coverage, excess demands upon law enforcement, and other negative impacts on the peaceful enjoyment of neighborhoods and public health, safety, and welfare, and

WHEREAS, notice of a public hearing was published on May 23, 2023, on whether a moratorium on short term rentals should be enacted, and

WHEREAS, the Council conducted a public hearing on June 6, 2023,

NOW, THEREFORE, BASED ON THE FOREGOING AND ON THE TESTIMONY AND COMMENTS RECEIVED IN THE PUBLIC HEARING,

THE CITY COUNCIL OF THE CITY OF PORT ANGELES DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The following Findings are hereby adopted:

The proliferation of short term rentals has a potential negative impact on the economy of the City of Port Angeles, exacerbating the scarcity of affordable housing for permanent residents as well as excess demands on public services and facilities. In order to have effective and appropriate regulation of short term rentals, the City of Port Angeles needs to maintain the status quo until such time as the new short term rental regulation adoption and implementation process finalizes. A moratorium pertaining to the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting, etc., of short term rental uses, structures, residences, businesses, lots, zones, buildings, etc., needs to be enacted.

Section 2. Moratorium Imposed. A moratorium is imposed in the City's Residential Medium Density and Residential High Density zones on the designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting of new short term rental uses, structures, residences, businesses, lots, zones, buildings located in Residential Medium Density and Residential High Density zones. This moratorium does not apply to the rental of individual rooms within a house where the owner resides, owners renting out their homes while they are on vacation, or where the entire housing unit is rented out for 30 days or less during a calendar year.

Section 3. Duration of Moratorium. The moratorium imposed by this Ordinance will be in effect for a period not to exceed six months, beginning on the date of the adoption of this Ordinance.

Section 4. Non-Codification. This Ordinance shall not be codified in the Port Angeles Municipal Code.

Section 5. Ratification. All actions taken in furtherance of and not inconsistent with this ordinance are ratified and confirmed in all respects.

Section 6. Severability. If any provisions of this Ordinance, or its application to any person or circumstances, are held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

Section 7. Emergency Declaration and Effective Date. Therefore, the City's moratorium must be imposed immediately to prevent any development rights from vesting and preserve the City's ability to process applications under valid codes. This ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

Section 8. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of the scrivener's/clerical errors, references to other local, state, or federal laws, codes, rules or regulations, or ordinance numbering, section/subsection numbers and any references thereto.

Section 9. Savings Clause. Those portions of Ordinance 3688 which are repealed or amended by this ordinance shall remain in force and effect until the effective date of this ordinance. Such repeals and amendments shall not be construed as affecting any existing right acquired under the ordinances repealed or amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Notwithstanding the foregoing actions, obligations under such ordinances or permits issued thereunder and in effect on the effective date of this ordinance shall continue in full force and effect, and no liability thereunder, civil or criminal, shall be in any way modified. Further, it is not the intention of these actions to reenact any ordinances or parts of ordinances previously repealed or amended, unless this ordinance specifically states such intent to reenact such repealed or amended ordinances.

Section 10. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance shall take

effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the ____ day of _____, 2023.

Kate Dexter, Mayor

APPROVED AS TO FORM:

William E. Bloor, City Attorney

ATTEST:

Kari Martinez-Bailey, City Clerk