

CITY OF LANGLEY
Langley, Washington

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RENEWING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE AND APPROVAL OF APPLICATIONS FOR THE ESTABLISHMENT OF BED AND BREAKFAST ROOM (RESIDENTIAL) AND BED AND BREAKFAST INN IN ALL RS5000, RS7200, RS15000 AND RESIDENTIAL MIXED ZONES AND THE LICENSING AND PERMITTING THEREOF; DECLARING AN EMERGENCY; PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM RENEWAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Langley Municipal Code (LMC) contains regulations for the establishment of short term rentals or transient accommodations, including Hotels, Motels, Bed and Breakfast Rooms, and Bed and Breakfast Inns; and

WHEREAS, the LMC provisions for bed and breakfast rooms (residential) and bed and breakfast inns and other short term rental accommodations were originally adopted in 1989 by Ordinance 527 with minor revisions in 1990, 1997 and 2001; and

WHEREAS, in recent years the ease of renting rooms and homes for short term rentals has increased due to the growth and popularity of internet-based services for short-term rentals including but not limited to Airbnb and VRBO, which may negatively affect adjacent properties, the stock of affordable housing within the City, and the City overall in ways not previously contemplated; and

WHEREAS, the Comprehensive Plan adopted on March 5, 2018 includes Policy H-4.9 that states “Review the impacts that vacation rentals (Air B&B, VRBO, etc) may be having on long term rentals and housing affordability and if necessary, develop a strategy in response”; and

WHEREAS, a review of short term rentals available in the City indicates a growing number of property owners rent their residential properties for short term rentals that meet the codified definitions of Bed and Breakfast rooms (residential) and/or Bed and Breakfast Inns but without applying for and receiving the required approval from the City; and

WHEREAS, the City has received complaints regarding unpermitted short term rentals in the City and complaints regarding the number of short term rentals that have not been approved or permitted in the City; and

WHEREAS, the City Council recognizes the current LMC provisions regarding short terms rentals including Bed and Breakfast rooms (residential) and Bed and Breakfast Inns do not

address the current reality of operation and patronage of short term rentals and may no longer be adequate to address issues related to parking, noise, property maintenance, and other issues associated with short-term rentals and therefore may not be in the community's interest; and

WHEREAS, City Council adopted Ordinance No. 1047 on July 16, 2018, a six-month emergency moratorium on the acceptance and approval of applications for the establishment of bed and breakfast room (residential) and bed and breakfast inn in all RS5000, RS7200, RS15000 and residential mixed zones and the licensing and permitting thereof; and

WHEREAS, the moratorium established by Ordinance No. 1047 is set to expire on January 16, 2019; and

WHEREAS, the PAB has developed a work plan to guide the process but has not yet completed its review of code and is not yet ready to make a recommendation to Council, and, therefore, on December 5, 2018, recommended that the moratorium be renewed; and

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to renew the moratorium on vacation permits applications for an additional period of six months to provide time for the review and legislative process to occur without allowing currently unpermitted short term rentals to become vested under current regulations; and

WHEREAS, a public hearing will be held on January 22, 2019, before the Langley City Council, after which time the City may adopt additional findings relevant to this moratorium renewal;

WHEREAS, the City is organized under chapter 35A.12 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 and renew a zoning moratorium;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Finding of Facts Adopted and Moratorium Renewed. Pursuant to the provisions of RCW 35.63.200 and RCW 36.70A.390 and the recitals as set forth above, which are hereby adopted by this reference as the City Council's findings in support of the moratorium imposed by this ordinance, a zoning moratorium is hereby renewed in the City of Langley prohibiting the acceptance of applications, licensing, permitting, or establishment of any Bed and Breakfast room (residential) and Bed and Breakfast Inn, as defined in Langley Code section 18. 22.070 & .080 in RS5000, RS7200, RS15000 and Residential Mixed zones as set forth in the Langley Municipal Code.

Section 2. Code Amendments. The City Council hereby directs the PAB to continue its work on reviewing short term rentals and propose possible amendments to the LMC prior to the sunset of this moratorium.

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 Renewal Unless Extended. This moratorium renewed herein shall remain in effect for six months until July 7, 2019 and shall automatically expire at the conclusion of that 6-month period, unless earlier terminated by the City Council. The City 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 on January 22, 2019 at approximately 6:00 p.m., at the Langley City Hall, Langley, Washington.

Section 6. No Unpermitted Uses. No use that constitutes or purports to be a Bed and Breakfast room (residential) and Bed and Breakfast Inn, as defined in Langley Code sections 18.22.070 & .080, that engages or engaged in that activity without a valid authorization or permit as required by Chapter 18.22 LMC shall be deemed to have been a legally established use under the provisions of the Langley Municipal Code and that use shall not be entitled to claim legal nonconforming status nor shall such use be entitled to continue. The moratorium imposed in Section 1 shall not apply to any Bed and Breakfast room (residential) and Bed and Breakfast Inn, legally established and permitted prior to the effective date of this Ordinance.

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, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the “WHEREAS” clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED by City Council and **APPROVED** by the Mayor this _____.

CITY OF LANGLEY

By _____
Tim Callison, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Debbie Mahler, Clerk-Treasurer

By _____
Mike Kenyon, City Attorney

Date of Publication: _____