

TOWN OF WOODWAY

ORDINANCE 2022-642

AN ORDINANCE OF THE TOWN OF WOODWAY APPROVING FINDINGS OF FACT; AND PROHIBITING SHORT-TERM PROPERTY RENTAL IN ALL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Washington State Growth Management Act provides for the update, review, and revision of Comprehensive plans and development regulations to comply with the requirements of the Growth Management Act and legislative changes; and

WHEREAS, the Town of Woodway Council passed Resolution 2022-433 on January 3, 2022 directing the Planning Commission to prepare an amendment to the zoning code prohibiting short-term rental units, solicit public comments, and conduct a public hearing; and

WHEREAS, the Planning Commission conducted two study sessions on April 6 and May 4 to discuss short-term rentals and review a proposed amendment to the zoning code; and

WHEREAS, a Notice of Adoption of proposed amendments was sent to the Department of Commerce on June 22, 2022; and

WHEREAS, a SEPA Declaration of Non-Significance was issued on June 22, 2022; and

WHEREAS, a notice of public hearing was advertised in the Everett Herald newspaper on June 24, 2022, and posted on Town bulletin boards and the Town's website on June 23, 2022; and

WHEREAS, The Planning Commission conducted a public hearing on July 6, 2022; and

WHEREAS, Planning Commission Resolution PC-2022-007 attached hereto as Exhibit A includes analysis, findings, conclusions, and a recommendation of the proposed amendments to the Town Council; and

WHEREAS, the Town Council, upon review and discussion of the recommendations of the Planning Commission, accepts the recommendation and has determined the prohibition on short-term rentals in all zoning districts of the Town is in the public interest and beneficial to the Town of Woodway,

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. Findings. The above recitals, the recitals in Town of Woodway Planning Commission Resolution PC-2022-007, and the information provided to the

Planning Commission in Exhibit A to the Resolution by staff are hereby adopted as findings of fact in support of Section 2 of this Ordinance.

Section 2. New Woodway Municipal Code sections are enacted as follows:

CHAPTER 14.08.305 “SHORT-TERM RENTAL”

Short-term rental means a lodging use that is not a hotel or motel in which a dwelling unit, or portion thereof, is offered or provided to a guest by a person or entity for a fee or payment for fewer than thirty consecutive nights.

14.20.025 PROHIBITED USES

Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

14.24.025 PROHIBITED USES.

Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

14.28.025 PROHIBITED USES.

Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

14.32.025 PROHIBITED USES.

Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

14.36.025 PROHIBITED USES.

Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

14.40.025 PROHIBITED USES.

Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

Section 3. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.

Section 4. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

PASSED this 19th day of September 2022 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

Michael S. Quinn, Mayor

ATTEST:

Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:

Greg Rubstello, Town Attorney

Date Passed by the Town Council: Did not pass – 2 votes in favor to 3 votes against

Date Published: N/A

Effective Date: N/A

Not passed by Council

**TOWN OF WOODWAY
PLANNING COMMISSION**

RESOLUTION PC-2022-007

A RESOLUTION OF THE WOODWAY PLANNING COMMISSION RECOMMENDING TO
THE TOWN COUNCIL APPROVAL OF AMENDMENTS TO THE ZONING CODE
RELATED TO THE PROHIBITION OF SHORT-TERM RENTAL UNITS ADDING WMC
14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025

WHEREAS, the Washington State Growth Management Act provides for the update, review, and revision of Comprehensive plans and development regulations to comply with the requirements of the Growth Management Act and legislative changes; and

WHEREAS, the Town of Woodway Council passed Resolution 2022-433 on January 3, 2022 directing the Planning Commission to prepare an amendment to the zoning code prohibiting short-term rental units, solicit public comments, and conduct a public hearing; and

WHEREAS, the Planning Commission conducted two study sessions on April 6 and May 4 to discuss short-term rentals and review a proposed amendment to the zoning code; and

WHEREAS, a Notice of Adoption of proposed amendments was sent to the Department of Commerce on June 22, 2022; and

WHEREAS, a SEPA Declaration of Non-Significance was issued on June 22, 2022; and

WHEREAS, a notice of public hearing was advertised in the Everett Herald newspaper on June 24, 2022, and posted on Town bulletin boards and the Town's website on June 23, 2022; and

WHEREAS, The Planning Commission conducted a public hearing on July 6, 2022; and

WHEREAS, The staff report attached hereto as Exhibit A includes an analysis, findings and conclusions and a recommendation of the proposed amendments to the Town Council.

NOW, THEREFORE, the Planning Commission of the Town of Woodway does hereby resolve as follows:

Section 1. The Planning Commission adopts the staff report attached hereto as Exhibit A, including the attachment containing zoning text amendments (new code sections WMC 14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025), and recommends to the Woodway Town Council that the proposed zoning text amendments be adopted.

PASSED this 6th day of July 2022 by the Planning Commission of the Town of Woodway.

TOWN OF WOODWAY



Per Odegaard, Chair

ATTEST:



Kim Sullivan, Planning Commission Secretary

Attachment: Exhibit A: Staff Report to the Planning Commission Regarding Proposed Amendments to the Zone Areas (Adding WMC 14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025).

**Planning Commission Resolution PC-2022-007
Exhibit A**

**Staff Report to the Town of Woodway Planning Commission
Regarding Proposed Amendments to the
Zoning Regulations Prohibiting Short-Term Rental Units (Adding WMC
14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025).**

Part 1: Introduction

- Applicant:** Town of Woodway
23920 113th Place W.
Woodway, WA 98020
- Public Hearing Date:** July 6, 2022
- Public Hearing Purpose:** For the Planning Commission to receive public comments regarding proposed amendments to the Zoning Regulations prohibiting short-term rental units (Adding WMC 14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025) and to forward a recommendation to the Town Council for action.
- Location of Proposal:** The proposed amendments are legislative in nature and applicable to all lands within the Town boundaries.
- SEPA Compliance:** Pursuant to WMC 16.04. a determination of non-significance was issued on June 22,2022, forwarded to the Town’s SEPA distribution list, noticed in the Everett Herald and posted on the Town’s public notice boards.
- Public Notification:** A notice for the public hearing was advertised in the Everett Herald and posted in several public places within the Town of Woodway June 23, 2022. A “notice of intent to adopt amendment” (60-day notice) was also sent to the Washington State Department of Commerce on June 22, 2022.

Part II: Background Information

The Town Council discussed the residential character of the Town at its meeting of January 3, 2022 and considered whether the presence of short-term rental units would be consistent with the Town’s character. Following their discussion, the Council passed a resolution directing the Planning Commission to conduct a public outreach program to solicit public opinion and prepare an amendment to the Town’s zoning ordinance prohibiting short term rental units. On April 6, 2022, the Planning Commission conducted a study session to discuss the

prohibition of short-term rental units and whether existing housing used for personal rehabilitation purposes would be considered as short-term rental units. The Commission conducted an additional study session on May 4, 2022 and was informed that the state law specifically exempts housing used for temporary rehabilitation purposes as short-term rental housing. The Commission also reviewed the proposed amendment to zoning ordinance defining short term rentals and the proposed code sections prohibiting short term rentals in all the Town's zoning districts. They also discussed a public outreach program. The Commission then set July 6, 2022 for a public hearing.

Staff prepared public information on its website and solicited comments related to the proposed amendments. Comments are due on June 30th and a summary of the comments will be presented to the Commission at the July 6th public hearing.

Part III: Proposed Amendments

The proposed amendments to the zoning regulations would be an addition to the definitions section and an addition to each zone district section. The proposed amendments would be as follows:

14.08.305 “Short-Term Rental” Short-term rental means a lodging use that is not a hotel or motel in which a dwelling unit, or portion thereof, is offered or provided to a guest by a person or entity for a fee or payment for fewer than thirty consecutive nights.

14.20.025 Prohibited Uses. Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

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14.40.025 Prohibited Uses. Short-Term Rentals as defined in WMC 14.08.305 are prohibited.

Part IV: Initiation of Zone Code Amendments by the Town Council

Pursuant to the Town code at 14.44.020, the Town Council has initiated the amendment to the zoning regulations by resolution and recommended the Planning Commission conduct a public hearing and forward a recommendation for action.

Part V: Findings and Conclusions

The proposed amendments to the Town's zoning ordinance have been prepared consistent with the applicable provisions of the Washington State Growth Management Act and the Town's zoning regulations. As such, the Town staff makes the following findings and conclusions:

1. The Woodway Town Council passed Resolution No. 2022-433 on January 3, 2022 directing the Planning Commission to prepare an amendment to the Town's Zoning Ordinance prohibiting short term rental units, solicit public opinion, and conduct a public hearing.
2. Pursuant to the Council's resolution and directive, the Planning Commission conducted two study sessions on April 6 and May 4 to discuss proposed amendments to the Town's zoning regulations.
3. The Town's SEPA Official issued a Determination of Non-Significance on June 22, 2022 and no appeals have been filed as of this writing.
4. A Notice of Intent to Adopt Amendments was sent to the Dept. of Commerce on June 22, 2022.
5. A notice of the public hearing before the Planning Commission was advertised in the Everett Herald and posted in public places.
6. The Planning Commission conducted a public hearing July 6, 2022, to receive public testimony on the proposed amendments.
7. The additional sections WMC 14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025 are in harmony with the comprehensive plan and land use for the Town.

Part VI: Recommendation

Based on the above findings and conclusions, staff recommends that the Planning Commission recommend approval of the proposed amendments (new code sections WMC 14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025) and forward a recommendation to Council as provided for in Resolution 2022-433.

Attachment 1: New code sections WMC 14.08.305, 14.20.025, 14.24.025, 14.28.025, 14.32.025, 14.36.025, & 14.40.025

TOWN OF WOODWAY

**PLANNING COMMISSION RESOLUTION PC-2022-007
EXHIBIT A | ATTACHMENT 1**

SHORT-TERM RENTAL PROHIBITION | PROPOSED NEW CODE SECTIONS

CHAPTER 14.08.305 “SHORT-TERM RENTAL”

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