

ORDINANCE NO. 1841

AN ORDINANCE AMENDING PORTIONS OF ORDINANCE NO. 1119, ORDINANCE NO. 1172, ORDINANCE NO. 1219, ORDINANCE NO. 1372, ORDINANCE 1504, ORDINANCE NO. 1520, ORDINANCE NO. 1802, TITLE 17, AND TITLE 20 OF THE FRIDAY HARBOR MUNICIPAL CODE, RELATING TO TRANSIENT ACCOMMODATIONS, AMENDING DISTRICTS AND USES, OFF-STREET PARKING AND LOADING, CONDITIONAL USE PERMITS, AND PROJECT PERMIT REVIEW PROCEDURES.

BE IT ORDAINED by the Council of the Town of Friday Harbor,

SECTION 1. Section 39K of Ordinance No. 1172 and FHMC Section 17.32.020 are hereby amended to redact "Transient accommodations" from permitted uses.

SECTION 2. A new section is added to Ordinance 1172 and FHMC Chapter 17.32, to be codified as 0.025, to read as follows:

"Minor Conditional Use

Minor conditional use in the commercial zone shall be as follows:

A. Transient Accommodation"

SECTION 3. Section 69 of Ordinance 1172, Section 3 of Ordinance 1520, and FHMC Section 17.52.030 are hereby amended to read as follows:

"Conditional uses.

A. Conditional uses in a light industrial zone shall be as follows:

~~A.1.~~ 1. Public and private utility structures;

~~B. 2.~~ 2. Equipment maintenance and repair performed outdoors; and

~~C. 3.~~ 3. Activities of a marijuana processor or marijuana producer after such activities have been duly licensed by the state of Washington pursuant to Chapter 314-55 WAC.

~~D. Any use not expressly permitted in another zone or allowed by conditional use in another zone.~~

B. All conditional uses under this chapter are subject to the conditional use process and criteria set forth in Chapter 17.80 FHMC."

SECTION 4. Section 13 of Ordinance No. 1802 and the Use Space Table within FHMC Section 17.68.030(B) are hereby amended to redact "Residential-transient" and replace with "transient accommodation" to read as follows:

~~"Residential-transient~~ transient accommodation – 1 per dwelling unit or sleeping unit"

SECTION 5. Section 106 of Ordinance 1172 and FPMC Section 17.80.010 are hereby amended to read as follows:

"Purpose.

- A. General. The conditional use permit procedure is intended to provide an opportunity for flexibility in applying the use regulations of this title by allowing for a greater range of uses. The Minor Conditional Use Permit is intended to provide an administrative approval process for specific uses that can meet objective performance standards without a public hearing."
- B. Limitation. ~~except that conditional use permits shall not be granted to allow uses which are not listed as conditional uses for the zone nor to allow the expansion of nonconforming uses~~

SECTION 6. Section 107 of Ordinance 1172 and FPMC Section 17.80.020 are hereby amended read as follows:

"Authority.

- A. The town council shall have the authority to grant or deny conditional use permits, ~~except that conditional use permits shall not be granted to allow uses which are not listed as conditional uses for the zone nor to allow the expansion of nonconforming uses.~~
- B. The Land Use Administrator shall have the authority to grant or deny Minor Conditional Use Permits for uses expressly designated as such in this Title. The Administrator shall apply the criteria set forth in FPMC 17.80.030."

SECTION 7. Section 109 of Ordinance 1172, Section 4 of Ordinance No. 1520, and FPMC Section 17.80.040 are hereby amended to read as follows:

"Conditions – Penalties.

- A. The town council or Land Use Administrator may impose reasonable conditions to ensure that the use, if granted, will meet the criteria set forth above, limit the term of the use, and require such bonds or other security devices as may be reasonably necessary to ensure continued compliance with the conditions of the use permit."

SECTION 8. Section 17 of Ordinance No. 1372 and FPMC section 17.80.050 are hereby amended to read as follows:

"Time limits.

- A. The use activity approved by a conditional use permit must begin to occur on the subject property within two years from the date the permit is granted, failing which the permit is void and the use activity, if thereafter occurring, will be illegal. The approving authority is authorized to grant, in writing, a single one-year extension when all the following criteria are met:

1. A complete application for a construction permit has been submitted within the two-year period; and
2. The applicant has requested the extension in writing prior to expiration of the two-year period and justifiable cause for the delay has been shown.

D. Conditional Use Permits. If a use or activity authorized by a conditional use permit ceases for a period of 12 months the conditional use permit shall be considered expired; subsequent resumption of that use or activity shall require a new minor conditional use permit or a conditional use permit, as applicable."

SECTION 9. A new section is added to Ordinance 1172 and FHMC Chapter 17.80 to be codified as Section .060 to read as follows:

"Transient Accommodation Development Standards.

A. Eligibility. Transient Accommodation(s) require a Minor Conditional Use Permit and are only allowed to be sited in structures in the Commercial Zone where the sleeping uses or guest rooms are located fully within a structure for which a certificate of occupancy was issued after [Effective date of Ordinance].

B. Prohibition on Conversions. The conversion of existing gross floor area from residential (including workforce housing), retail, or general commercial use to transient use is strictly prohibited, unless equivalent new gross floor area is provided for commercial/retail/residential-nontransient.

C. Prohibition on Demolition. Demolition of existing commercial or retail structures is prohibited to establish transient accommodation(s).

D. Parking. All transient uses shall provide a minimum of one (1) off-street parking space per dwelling unit or sleeping unit as required under FHMC 17.68.030(B).

E. Parking Incentives. All required parking must be provided on-site or within 200 feet via a recorded parking easement per FHMC 17.68.030(E)(1). No additional incentives for parking are allowed.

F. Mixed-use. All new buildings shall be mixed-use. The maximum mixed use floor area for transient accommodation(s) is 0.4:1.

G. First Floor or Pedestrian Level. All new buildings or mixed-use redevelopment that include transient accommodation(s) shall meet the following:

1. The first floor or pedestrian level shall contain commercial use(s) other than transient accommodation(s) with a minimum mixed use floor area of 0.2:1.
2. All new buildings or mixed-use redevelopment in the historic downtown district
 - a. 100% of frontage shall be non-transient commercial use.

b. Buildings that have a common wall on both sides may have a single door to provide a means of egress to the second story.

c. Transient accommodation(s) are not allowed on the first floor or pedestrian levels.

3. Outside of the historic downtown district for transient accommodation on the first floor or pedestrian level there shall be a minimum of four units within the development under the same ownership.

SECTION 10. Section 6 of Ordinance 1172 and FHMC section 17.08.110 are hereby amended to add a definition of "kitchenette" to read:

"Kitchenette" means a scaled down food preparation area that is limited to a sink, microwave, a maximum two burner range, coffee maker, electric kettle, or a 10 cu. ft. or less refrigerator.

SECTION 11. Section 6 of Ordinance 1172 and FHMC section 17.08.190 are hereby amended to add a definition of "sleeping unit" to read:

"Sleeping Unit" means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchenette but not both.

SECTION 12. Section 6 of Ordinance 1172 and FHMC section 17.08.200 are hereby amended to read as follows:

"Transient accommodations" means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days. ~~For rentals on the first floor or pedestrian levels, there shall be a minimum of four units within the development under the same ownership.~~

SECTION 13. Section 16 of Ordinance 1119, Section 4 Ordinance 1219, Section 3 Ordinance 1504, and FHMC Section 20.16.010 subsection A. and subsection C. are hereby amended to read:

"Administrative approvals

A.

~~5. Determination of significance (DS) as required by SEPA and Chapter 18.04 FHMC"~~

C. The administrator shall issue, approve, approve with conditions, or deny the following development permits, subject to the notice and appeal requirements of this title:

1. Short subdivisions;

2. Binding Site Plans; ~~Substantial development (shoreline) permit revisions~~

3. Substantial development (shoreline) permit revisions; ~~Determination of nonsignificance (DNS) or determination of mitigated nonsignificance (MDNS) under SEPA~~
4. Determination of nonsignificance (DNS) or determination of mitigated nonsignificance (MDNS) under SEPA; ~~Determination that a final environmental impact statement is adequate~~
5. Determination of significance (DS) as required by SEPA and Chapter 18.04 FHMC"
6. Determination that a final environmental impact statement is adequate; ~~Determination of qualification for historic preservation incentive program; and~~
7. Determination of qualification for historic preservation incentive program; and
8. Minor Conditional Use.

SECTION 14. The Master Fee Schedule for Land Use Fees is hereby amended to add a new fee line item to read as follows:

"Minor Conditional Use Permit (MCUP) – \$700.00

Note: This fee covers administrative review of structural eligibility and mandatory parking compliance."

SECTION 15. Section 6 of Ordinance 1172 and FHMC section 17.08.130 are hereby amended to add a definition for "mixed-use floor area" ratio to read:

"Mixed-Use Floor Area (MUFA)" means the ratio of the total gross floor area of a Title 17 land use within a mixed-use building compared to the total floor area of the building."

SECTION 16. Effective Date.

This ordinance shall become effective upon publication in accordance with State law.

DULY PASSED AND ADOPTED this 20th day of August 2026.

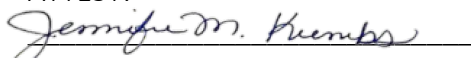
TOWN OF FRIDAY HARBOR



Evan Perrollaz, Mayor

SEAL of the
Town of Friday Harbor

ATTEST:


Jennifer M. Krembs, Town Clerk