

To: Members of Planning Advisory Board

Date of Report: January 8, 2010

Staff Contact: Larry E. Cort, Director of Community Planning

Meeting Date: January 13, 2010

Subject: Code Amendments Associated with Potential Adoption of Revised Subdivision Regulations

Attachments: Revised Community Design Zones Map
Table 1. Principal, Secondary and Conditional Uses
Table 2. Community Design Zone Standards (w/footnotes)
Minimum Lot Size Map
Additional Design Standards by Community Design Zone

Letters: Email from Chris Jerome, 5 January 2010
Email from Leanne Finlay, 7 January 2010
Email from Kathleen Waters, 7 January 2010

Following the workshop and Council meeting discussions on Monday, staff were directed to assemble a list of potential code amendments that might be necessary in order to insure internal consistency with the draft subdivision regulations. Our goal was to identify those parts of our existing code that directly regulate development in the areas subject to the moratorium. The results of our analysis are contained in the attached documents, as described below, for discussion at the January 13, 2010 meeting.

1. **Revised Community Design Zone Map** – this has been revised from the previous version by the addition of a “Traditional Village- Mixed Residential” design zone. This design zone, located in the area bounded by Anthes, Sixth, Cascade and Third and in the area fronting on Edgecliff east of the offices on Camano, corresponds to our existing RM zone which is not subject to the moratorium. Our proposal is to leave this district intact but with the new name.
2. **Table 1 – Principal, Secondary and Conditional Uses** – this table translates our existing lists of principal, secondary and conditional uses from the old zoning districts to the new community design zones. The follow table supplies a guide for the translation:

Existing Zoning Districts	New Community Design Zones
Central Business (CB)	Village Center Design (VCD)
Neighborhood Business (NB)	Dispersed Business Design (DB)
Mixed Residential (RM)	Traditional Village Design-Mixed Res (TVD-MR)
RS-5,000	Traditional Village Design (TVD)
RS-7,200	Modern Subdivision Design (MSD)
RS-15,000	Sensitive Environment Design (SE)
	Rural Village Design (RVD)
	Conservation Design (CD)
Public Use (P-1)	Public/Institutional Design (PI)

All of the cells with no shading mean that there is no change between our existing code and the proposed amendments. The light gray cells represent alterations made for internal consistency with the proposed amendments. The dark gray cells present several possible changes to our existing code to achieve better consistency with our Comprehensive Plan.

3. **Table 2 – Community Design Zone Standards** – this table translates the bulk regulations from our existing zoning districts into the new community design zones, including the footnotes on the next page. There is no change here but please note that we have left question marks under the SE, RVD and CD community design zones for discussion at Wednesday’s meeting. Since these three districts will have mandatory clustering for subdivisions, it may be appropriate to loosen the setback and lot coverage requirements.
4. **Minimum Lot Size Map** – this map is needed to leave intact the existing minimum lot sizes for all areas except those for which no minimum lot size will be applied.
5. **Supplemental Standards for Community Design Zones** – This section picks up existing language that is used to modify our current zoning districts but translates these standards into the community design zone framework.

There are a number of other very minor housekeeping changes that will be necessary but we believe the attached documents cover the vast majority of the associated amendments. We look forward to a good discussion on Wednesday!

Also, please find attached three citizen emails received this week.

Larry Cort

From: Chris Jerome [chrisjerome.port@gmail.com]
Sent: Tuesday, January 05, 2010 10:13 AM
To: landuse@langleywa.org
Subject: Proposed Subdivision ordinances

Hi Larry,

I enjoyed the meetings last night. I am very impressed with the proposed ordinances and I believe they will enhance the community if enacted.

Having said that, I do have three concerns about the proposals. The first may or may not be a problem – more explanation is needed. The other two seem to me to be excessively proscriptive. I am sending my comments to you with the assumption that you will ensure they are appropriately considered in the process. If I need to send them elsewhere, please let me know.

First is the provision under Diversity which says “Subdivisions shall encourage a mixture of residential and non-residential uses” (page 23 of handout). It is very unclear what this means – the following item 1 does nothing to clarify it. This needs to be explained.

The second is item A of Standard Six under “How to design a site to link spaces and people” (page 23). It was stated in the meeting that this would have limited application but here it indicates it applies to all zones. I think property owners should be able to decide for themselves how to orient their house and item A should be struck.

The third is Standard Three under “Sustainability” (page 25). I believe it is enough to designate open space as is done elsewhere, and to encourage but not require community agriculture. The first sentence of item A could be struck and the word “other” struck from the second sentence.

I hope these comments are helpful.

All the best
Chris

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Chris Jerome
Port Of South Whidbey Commissioner-Elect
(360) 221-6723
chrisjerome.port@gmail.com

Larry Cort

From: Leanne Finlay [lfinlay@halcyon.com]
Sent: Thursday, January 07, 2010 3:15 PM
To: Rene Neff; langleymayor@langleywa.com; Larry Cort
Subject: Emailing: pab_minutes_2009_08_12.pdf
Attachments: pab_minutes_2009_08_12.pdf

Hi everyone,

Please take a look when you get a chance at these meeting minutes for the PAB Aug. 12 meeting.

Attached is a pdf of the PAB discussion that I couldn't find earlier this week for you regarding non-residential uses in residential zoned areas.

Under **Zoning, Density and Diversity**, you will see a discussion about non-residential uses. Larry tells the PAB people to 'look at the impacts from a broad stroke approach.' Larry said one of the goals from the Comp Plan was to support diversity, but this kind of diversity doesn't seem economically healthy for either the business zones or the residential zones.

I think most people would agree that Class I uses create little or no impact on a residential area, and should be allowed uses. Class II uses should be prohibited, with a list of conditionally approved uses, since some locations or some kinds of businesses might actually fit better in a neighborhood type setting, rather than the CB or NB zones. Class III, except agriculturally related, or allowed only on parcels of 5 acres or more, should be prohibited.

Maybe a better way to prohibit Class II and Class III uses would be that if they are allowed in CB or NB, they are prohibited in all residential zones. Allowing standards of zoning that were placed to create a vibrant business district to change for 'diversity' weakens quality of life in residential areas as well as weakens the important and appropriate business synergy created by a City with its zoning codes.

Additionally, there was a person in the audience who discussed wanting an adult family/group home, and is concerned about if she can do that. I believe adult family/group homes are protected under HUD regulations, as well as under WA State GMA guidelines, yet there seemed to be no awareness of that by the PAB committee, and no reassurance or direction from them to her so she could research this further. If the PAB is to have the responsibility of making recommendations to the City for certain approvals of things, they should have direction on what is allowed, legally required to be allowed, etc, don't you agree?

There was discussion from PAB and Marianne Edain about businesses that could be located in residential neighborhoods such as personal services, social services, medical/dental, veterinary etc. None of these are a good fit for residential neighborhoods.

I am concerned that these discussions be brought to a focus right away, and feel the property owners in the CB and NB business districts will continue to see their ability to have an economically successful business core continue to erode.

For example, everyone eats lunch -- if there were more diversity of offices of all kinds in downtown Langley, there would be more people during the work day, during the after work day and etc. Letting this kind of business activity creep into the neighborhoods compromises both the CB and NB groups, and the neighborhoods

Thanks for reading, and thinking about this matter.

Leanne

**MINUTES
CITY OF LANGLEY
PLANNING ADVISORY BOARD
August 12, 2009**

Jim Sundberg opened the meeting at 4:12 pm.

ATTENDANCE

Members Present: Jim Sundberg, Roger Gage, Fred Geisler and Melanie Shafaat
Members Absent: G. Raymond McCullough and Julie Buktenica
Staff Present: Fred Evander and Larry Cort

APPROVAL OF MINUTES

Fred Geisler moved to approve the corrected minutes from July 22, 2009. Roger Gage seconded. The motion passed unanimously.

PROJECT STATUS REPORT/BOARD COMMENTS AND QUESTIONS

Larry Cort updated the Board on the Langley Passage project. Larry explained that the proposal would come to the Board sometime in October. Larry said that the application was extensive and had created a significant amount of public comment. Larry added that it would probably take two meetings to review and digest the information. Larry Cort explained the Public Hearing process for Langley Passage. Fred Geisler suggested that each Board member take time to review the file before the Public Hearing.

Larry told the Board that the focus of today's meeting would be location, character and form of non-residential uses within residential neighborhoods. Larry said that City staff hoped to deliver a rough draft of all the changes to the Langley Code Titles 16, 17 & 18 to the Board in September. Larry said that the City's goal was to send the draft changes to the State in October. Larry suggested that the Board spend the next two meetings in a workshop format to refine the changes to the code. Jim Sundberg suggested that the Board create a "parking lot" for subjects that could be addressed at a later date to keep the Board focused on the current work that was before them. Jim Sundberg agreed to act as gatekeeper of time spent on audience input on the proposed changes to the code.

Marianne Edain asked the Board about the process for changes to the proposed code amendments. Jim Sundberg said that the Planning Advisory Board meetings on the proposed code amendments had been open to the public and that if needed, there was a process in place to make changes. Larry said the draft would be rough and that there would be opportunity for revisions.

Fred Geisler updated the Board on the Tree Protection Subcommittee work. Fred said that Marianne Edain had joined the Tree Protection Subcommittee. Fred said the Tree Protection Subcommittee was also looking for new participants. Fred added that the Subcommittee was working on a list of definitions.

Fred said that the Planning Advisory Board needed to have a discussion on the numbers related to square footage and allowable building footprint. Larry said that he had that subject on his list for the next meeting. Larry encouraged the Board to think about the issue and look into some of the decisions being made by the Parks and Open Space Commission.

ZONING, DENSITY AND DIVERSITY

Larry led the Board in a discussion regarding non-residential uses located within residential design districts. Larry identified three themes to consider when determining if a use was appropriate for a residential

neighborhood: the character of use – what characteristics about the use determined if the use was appropriate; the location of the use – what were appropriate locations outside of the downtown that could support the non-residential use; and the form of the use – what were the physical aspects of the use including the size, the location of the use on the lot, whether the use required parking, etc, that made the use appropriate in a residential neighborhood. Larry explained the existing three classes of home occupations. Larry said a Class I was typically a low impact use and that distance based businesses were an example of this class. He said that Class II home occupations typically resulted in more impact to a neighborhood and included limited client visits, signage and parking requirements. Larry said Class III home occupation impacts were the most intense use and included small-scale businesses with multiple employees, multiple client visits, and multiple deliveries.

The Board discussed non-residential uses identified in Fred Evander's handout titled "Non-Residential Uses". Larry said that not all of the uses were appropriate in all neighborhoods. He said that consideration must be made for dead end streets or neighborhoods with one entrance; whether there was on street parking available; and the type of street the business was located (i.e. a neighborhood street or a collector street). Larry said that the form of the use such as the size, height, entrance location, and the relation to other buildings in the neighborhood also needed to be considered. Marianne Edain said that noise levels and odors needed to be addressed. Fred Evander said that the current code addressed Marianne's concerns as performance standards. Fred Geisler suggested looking at other cities' non-residential use ordinances to possibly save the Planning Advisory Board some time and energy. Larry encouraged the Board to not figure out every possible business impact on a neighborhood, but look at the impacts from a broad stroke approach. Larry said that one of the goals of the Comprehensive Plan was to support diversity. Larry also explained that the use of land use budgets could address cumulative impacts of non-residential uses on a residential neighborhood. Victoria Luck, 410 2nd Street, said that she had a desire to open an adult family home and didn't want to see her plans prevented because someone decided that her adult family home wouldn't be allowed in her neighborhood. Victoria added that she felt a lot of good ideas and suggestions would come from the community. Marianne Edain suggested that the number of parking spaces required for each use could be a determining standard. Marianne Edain also suggested separating individual client based businesses into two separate categories, with personal services and social service facilities in one category and small medical-dental clinic and small veterinary clinic in another category.

AUDIENCE INPUT ON NON-AGENDA ITEMS

There was no additional audience input on non-agenda items.

ADJOURN

The meeting adjourned at 6:15pm. The meeting was held at Langley City Hall. The next meeting of the Planning Advisory Board is scheduled for August 26, 2009 at 4:00. Mary Jo McArdle recorded the minutes of the meeting.

Paul Samuelson

From: Kathleen Waters-Riehl [kwatersriehl@yahoo.com]
Sent: Thursday, January 07, 2010 4:14 PM
To: Paul
Cc: editor@southwhidbeyrecord.com; Ruth and Dwayne Den Adel; Ron Kaprisin
Subject: Public input and questions re: Subdivision rezoning

Paul,
I'm requesting that the following questions be considered in the upcoming deliberations on the subdivision and zoning revisions that were introduced at the joint meeting of the PAB and City Council on Monday, January 4, 2010.

I have copied them from an entry on the blog of the South Whidbey Record. They should be given full and formal consideration as the answers to the questions will provide crucial information regarding the substantial changes being proposed. Please make this list and my request part of the official city documentation on this issue of rezoning.

Perhaps it is also time to slow down the moratorium reversal to allow full and public consideration to this separate but related issue of zoning change. If there is no substantive reason other than public outrage over the amorphous concept of no growth to motivate the council to remove the moratorium then that decision should be waived until the issue of zoning gets discussed in a public forum that allows equal and timely input from all of the community. If there is a substantive reason to remove the moratorium, other than public opinion about a concept that is just that, an informal word on the street idea, then you will just have to run a little faster to achieve the much needed fair and informed public input. I know you have good running shoes - you've been wearing them nicely since you took office -)

Here is the quote from the blog:

"I don't know exactly how the subdivision planning and the parks greenspace/trails committee planning have merged their work ideas. From what I understand, these greenbelt spaces will have an extensive trails system. The number one question I have (and probably you as well) is:

- 1) Who will pay for all of this planned greenery and trails?
- 2) Is there any other City the size of Langley that has a system this large in place? If so, where/who?
- 3) Do we have a working 'model' of costs and fees to study for what is being suggested?
- 4) What kind of study has been made by the City of Langley? Just the volunteers of the planning advisory and parks advisory boards, or has there been a fee-based professionally done taxpayer cost- impact study?
- 5) Is there a cost projection per \$1000 of property value for example?
- 6) Will the City own the land they want to preserve, or will private homeowners? Perhaps it will be a mix of both?
- 7) Will private homeowners who already own their property be assessed extra fees to buy more greenbelt space for the City in their property taxes, or will the City fund this thru some special other kind of assessment?
- 8) Or, will the City try to fund this entirely via developer fees? Given the size of the greenbelt spaces, I would expect development to be unaffordable. What studies have been done to determine this?
- 9) If funding is to be entirely via developer fees, how many decades is it expected to be before planned trails fully connect?
- 10) Who will monitor trails being maintained?
- 11) How many miles of trails are being planned?
- 11) Will a new neighborhood be required to build and maintain a trail system that "goes nowhere" if the neighboring parcels are not developed? Homeowner associations will balk if they are required to spend money maintaining something that no one uses. Then what?
- 12) Is there a map yet of where trails would be built?

- 13) How close to private property lines will these trails be? Will horses be allowed on the trails?
- 14) Will existing homes have trails beside or behind them?
- 15) What will setbacks be for trails from residential property lines?
- 16) Might there be trash cans along the trails for litter collection, and who will collect? How often?
- 17) Will land that doesn't get developed still have extra fees to pay for the greenspace acquisitions, either via property taxes or special assessments? What are the estimated costs?
- 18) Has there been any grant studies done to see if there are reasonably likely sources for grant money for any of this type of a greenspace project?"

Thanks,
Kathleen