

Memo

To: Mayor Samuelson and City Council Members

From: Planning Department

Date: April 13, 2011

Re: **Whole Langley Code Strategy**

To move forward with revising and adopting the *Whole Langley Code* staff recommends the following:

- Remand the code back to the Planning Advisory Board (PAB) to revise the code based on an agreed upon strategy.
- The PAB will provide the Mayor and City Council with a summary document that outlines the PAB's recommendation on key issues within four months.
- The PAB will hold at least one public hearing prior to sending back to the council for consideration.
- Upon adoption of the *Whole Langley Code* a series of design guidelines will be developed by the Design Review Board (DRB) in association with the planning department.

B. Strategy

Based on our assessment of the public record and technical review of the proposed *Whole Langley Code* staff recommends the following approach to revise the code:

Simplify

In our assessment the proposed *Whole Langley Code* is too complex for a small town such as Langley with limited resources and a relatively slow growth rate. We propose to streamline and simplify the code while maintaining a direct link between the code and comprehensive plan goals. As an example, staff proposes to eliminate the square footage requirements and use traditional planning metrics and design guidelines to address the bulk and scale of buildings. Other options for simplification include reducing the number of residential zoning districts.

Incentives over mandates

The proposed *Whole Langley Code* includes several mandates on developments that are legally questionable. These mandates include preserving a fixed percentage of open space, requiring certain developments to have a percentage of affordable housing and/or mixed density. Both state law and case law dictate to a large degree the ability of cities to require these elements in

reviewing and approving development projects. In our review of these laws the *Whole Langley Code* as proposed would likely be subject to legal challenges based on these issues.

As an alternative to the current proposal staff recommends using allowances and incentives to promote developments that embody the principles established in the comprehensive plan. Since the use of incentives are optional rather than required the city has greater latitude in requiring certain design elements including open space preservation, affordable housing and mixed-density development in exchange for increased development allowances. One option is to use of a Planned Unit Development (PUD) Overlay District with incentives to pursue the goals and aspirations expressed in the Comp Plan.

Urban Tier Designations

In order to provide for improved clarity on annexations, the timely coordination of development with necessary infrastructure and to promote infill development as a means of revitalizing the downtown core staff recommends consideration of urban tier designations as outlined below.

1. Urban Growth Tier Designations

- a. First - Tier 1—commercial centers and areas within the incorporated area of the UGA where urban infrastructure exists at the property and is available to support development consistent with the adopted level of service standards;
- b. Second - Tier 2—incorporated and unincorporated areas within the UGA where the approved six (6) year capital facilities plan proposes to provide urban infrastructure consistent with the adopted level of service standards;
- c. Third - Tier 3— incorporated and unincorporated areas included within the UGA in which are planned to receive the full range of urban services within twenty (20) years but that not represented on the approved six (6) year capital facilities plan

2. Annexation Policies

- a. The Tier 2 urban growth area includes unincorporated lands that the City may consider annexing within the next 6 years. The City shall consider no annexation in Tier 2 until at least 75% of Tier 1 available for development within the city has been developed.
- b. The Tier 3 urban growth area includes land considered for annexation within 20 year. The City shall consider no annexation in Tier 3 until at least 75% of the unincorporated area of Tier 2 has been annexed.

3. Infill incentives tied to the tiers.

- a. Increasing the SEPA exempt threshold levels within a tier 1 (in accordance with WAC 197-11-800 (1) allowances) would increase certainty for applicants and decrease permit processing requirements while maintaining environmental standards.
- b. Increasing number of lots allowed in a short plat from 4 to 9 in a tier 1 would increase certainty for applicants and decrease cost, and decrease permit

processing requirements while maintaining all applicable development standards. The streamlined review could be used as an incentive to provide public benefits such as open space.

- c. Eliminating the mandatory public hearing requirement for small subdivisions in a tier 1 would increase certainty for applicants and decrease cost, and decrease permit processing requirements while maintaining all applicable development standards. A public hearing would be required in response to a specific public request.

Design Guidelines

The current *Whole Langley Code* proposal inappropriately incorporates design principles and other design standards that are not warranted in a regulatory document. As an alternative, staff recommends that a series of design guidelines be developed in association with the Design Review Board (DRB) to address commercial and residential development along with subdivisions. Compliance with the design guidelines may be a requirement for developers that choose the alternative review process that enables design flexibility and provides incentives for projects that implement comprehensive plan goals. Once the *Whole Langley Code* is adopted the DRB would begin work developing the series of design guidelines.

Comprehensive Plan Implementation Strategy

In general, it is staff's opinion that the *Whole Langley Code* is attempting to implement all of the comprehensive plan goals while other strategies should be considered. As an example, preserving open space and adding additional park space through development requirements is only one of a wide range of strategic opportunities for meeting these goals. Relying solely on mandatory development regulations to implement comprehensive plan goals may be problematic legally and in general is difficult to implement in a community that has a relatively slow growth rates particularly in light of the housing downtown.

The current comprehensive plan does not have a detailed implementation section that identifies the department or party responsible for implementation, projected costs and a timeline. Staff proposes that a detailed implementation strategy be developed by staff and reviewed by the PAB and City Council.

Other comprehensive plan implementation strategies may include:

- Work with conservation organizations to preserve open space
- Develop capital improvement program for phased implementation of the integrated trail system
- Plan and map future public improvements that are necessary to accommodate in future growth and development; related to the Tier system

- Update water system plan to match water service with water rights and urban growth area
- Evaluate affordable housing tax credits
- Initiate the Second Street Streetscape Project to include parking and circulation
- Update shoreline master plan with emphasis on revitalization of downtown
- Seek grants to purchase park land for neighborhood parks