

Langley City Council Workshop Minutes
Planning issues of neighborhood/subarea zoning; transfer
of development rights and land use budgeting.
July 18, 2011

Mayor Samuelson opened the workshop at 3:30 PM. Present were Council members, Gilman, Seligson, Waterman, Abel and Neff. Also present were Consultant Planner Larry Kwarsick, Community Planner Jeff Arango, and Deputy Clerk Annette Andrews-Lux.

Jeff Arango distributed a paper to the council addressing the Transfer of Development Rights to provide background for a discussion on proposed changes to the Comprehensive Plan.

Initial concerns from those in attendance:

Robert Gilman raised comments addressing the issue that the paper addresses information originally presented by himself and raised the question of whether this paper should have been first reviewed by Jeff and himself first. Paul and others affirmed that they wanted the discussion to occur within this workshop context.

Comments by Bob, Rene and Hal affirmed that this discussion was to review the material offered by Jeff, offer suggestions and receive comments from council. The Comp plan can only be revised once a year and this is the opportunity to raise concerns and suggestions. Council member Gilman agreed to engage in the conversation with the council if they desired to review these details in this context.

Jeff stated that the purpose is to make sure the Planning Dept assumptions reflected in the document are correct. Jeff is open to any revisions that are needed. He proceeded to address particular sections of the proposal. Bob Waterman noted "incentive based" and asked for examples on types of incentives. Jeff responded with an example and Robert Gilman responded with his view of incentives.

Larry Kwarsick addressed issues of zoning, application to existing or future lots, and identified some confusion in this area. Bob Waterman acknowledged the shared goal of preserving open space within the city and the discussion issue of whether to encourage transfer of development rights to pursue denser building in some areas to preserve open space in other places.

Jeff raised concerns regarding legal issues with transfer of development rights and takings. Hal Seligson asked how does Langley's available open space/unbuildable land compare to other similar size communities; how does it compare proportionally. Rene Neff offered that the Parks and Open Space commission has examined Langley in detail. Jeff offered to pursue some information on comparison.

The issue of impact fees and the requirement to pursue the least intrusive means to achieve a desired purpose. We can't impose a tax on development. Any impact fee needs to be in proper proportion to the impact of the actual project. In summary, the Planning department has some serious legal concerns about some of these proposals. Jeff offered the perspective that the Comp plan amendments may not necessarily be the immediate priority; rather giving the planning dept opportunity to develop proposals to implement the comp plan, reduce legal liability, engage the community could be first.

TDRs may not be the best means, not likely to have the high density areas that are best served by TDRs as some more urban areas. Larry stated that he is concerned about reduction of land value that affects land value more broadly. As houses are built, we must conserve open space. To put requirements only on the new builders when the whole community benefits from the open space is not just and cannot be unfairly placed on new development. Rene added comments about this concern as well. She lifted up the value of open space areas that benefit the whole community, not just the private landowner.

Larry sees that TDRs and sub area planning have possible uses though not necessarily in Langley. He sees no use for land use budgeting. The Comp plan wording can be adapted to shift away from mandates to less regulatory wording. Regulation is not necessarily the best option to rely on in the issue of open space. Planning staff would like to pursue other avenues and do not recommend moving forward with this TDR proposal.

Robert agreed with setting the TDR proposal aside and encouraging the planning dept to pursue creative options. Fran affirmed that there has been confusion regarding the TDRs and how they were to be worked with. Rene confirmed that other proposals for supporting open space need to be pursued and suggested that the TDR be removed from the Comp Plan. Bob and Hal concurred.

The council asks that the Planning staff set aside the TDR proposal and pursue reflection and recommendations on alternate, creative ways to pursue the goal of maintaining and creating open spaces and bring proposals to the council.

The meeting was adjourned at 4:30 PM.

Respectfully submitted,



Annette Andrews-Lux
Deputy Clerk