



Paul Samuelson, Mayor

# City of Langley

## Planning Advisory Board

### AGENDA

October 10, 2011 – 3-5pm

**LANGLEY CITY HALL - 112 2<sup>nd</sup> Street, Langley WA**

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- 1) Call to Order and Roll Call
- 2) Approval of Minutes – September 12, 2011
- 3) Demonstration Program for Innovative Permanently Affordable Housing Projects
- 4) Accessory Dwelling Unit Height Proposal
- 5) Six-year Capital Improvement Program (CIP)
- 6) PROJECT UPDATES
  - a) Second Street Project – Parking Study
  - b) Hearings Examiner
  - c) Shoreline Management Plan
- 7) AUDIENCE INPUT
- 8) ADJOURN

*Next Regular Meeting: November 14, 2011*

**MINUTES  
CITY OF LANGLEY  
PLANNING ADVISORY BOARD  
September 12, 2011**

Jim Sundberg called the meeting to order at 3:02

**ATTENDANCE**

Members Present: Jim Sundberg, Roger Gage, Gail Fleming, Jim Anderson, Thomas Gill, Craig McCarty (Alternate)

Members Absent: None

Staff Present Jeff Arango

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the August 8, 2011 meeting. Gail Fleming moved to adopt the minutes as submitted. Thomas Gill seconded. The motion was passed unanimously.

The PAB noted that they support the city providing a person to take minutes at the PAB meetings.

**AMENDMENTS TO THE AGENDA**

Jeff Arango added under #5 of the agenda proposed amendments to the Public Zoning District.

**DEVELOPMENTS REGULATIONS**

*Innovative Mixed-Use Development Ordinance*

Jeff Arango reviewed the purpose and details of the proposed ordinance including:

The ordinance is intended to promote innovative mixed-use development in the downtown core by promoting broad based public involvement, high quality design, diverse housing types and sustainable development. Below is a summary of the key aspects of the program:

- A project review panel consisting of representatives from a broad range of stakeholders in the areas of city government, affordable housing, business, youth and interested citizens.
- The review board may approve modifications to the city's development standards that meet the goals of the innovative mixed-use development program
- Must demonstrate public benefits within the project including high quality design, public space and affordable housing.
- Applies only to the Central Business Zone and must be mixed-use
- Allows up to three projects; ordinance sunsets after three projects
- Projects may inform future design standards
- A neighborhood meeting is required for all projects

Jeff Arango stated that one of the purposes of the ordinance is to inform amendments to the city's development regulations and design guidelines. It allows for creative and innovative design that may be hindered by the city's outdated regulations.

Motion by Roger Gage to hold a public hearing on November XXX to consider the Innovative Mixed Use Development Ordinance. Seconded by Thomas Gill. Motion passes 5-0.

#### *Demonstration Program for Innovative Permanently Affordable Housing Projects*

Jeff Arango described the proposal: To promote the development of innovative affordable housing projects the ordinance provides flexibility in development standards and incentives for the development of affordable housing. Projects may be approved within any zoning district within the City that allows housing. The details and purpose of the program are:

- To promote a community based process involving broad constituencies of stakeholders
- To allow modifications to the development standards (including density increases) to further the goals and purpose of the program.
- To promote diverse housing options
- To inform future amendments to the City's development and design standards
- To promote perpetually affordable housing
- To require a neighborhood meeting for all projects
- To allow up to three projects; ordinance sunsets after three projects

The PAB requested the ordinance be amended to apply to affordable rental housing and to clarify the mechanisms for ensuring the housing remains permanently affordable.

#### *Wharf Street Overlay Height Modification Proposal*

Jeff Arango explained the purpose and details of the proposal:

- To incentivize the inclusion of public space in development projects in exchange for additional building height (one additional story, up to four stories)
- To allow for greater flexibility in building design
- The total allowable building square footage is neutral (i.e. the addition of a fourth story doesn't allow for greater building square footage).

The PAB discussed the definitions of public and semi-public space. Jeff Arango said he will provide definitions for each at the next meeting.

Kathleen Waters, a waterfront property owner within the Wharf Street Overlay District, asked if the proposal would preclude allowing for even greater height in the future. Jeff Arango said it would not, that the proposal is a modest increase, but was not developed based on a study of greater building heights and said the Planning Agency would consider a request by property owners or citizens to consider other height modification proposals.

Motion by Roger Gage, Seconded by Thomas Gill to hold a public hearing on November XXX to consider the Wharf Street Overlay Height Modification Proposal.

#### *Public Zone Amendments*

Jeff Arango explained the public zoning district currently applies to properties that have existing or former public uses, such as city hall and the library public uses, such as city hall and the library. Typically public

uses are a permitted use with the broader zoning district (such as the CB Zone) and are not contained within a separate zone that may only apply to a few properties. Since the zoning district boundaries cannot be amended without amending the comprehensive plan, staff recommends the existing district standards be amended to allow commercial uses and multi-family development. This will minimize inconsistencies between existing uses and the underlying zoning, such as at the former fire station on Second Street that is zoned for public use, but has two commercial business operations. The amendments are not specific to any property, but to address the entire Public Zone.

Motion by Jim Anderson, Seconded by Thomas Gill to hold a public hearing on November 14, 2011 to consider the Public Zone Amendments. The motion passed unanimously.

## **PROJECT UPDATES**

Jeff Arango provided the following project updates:

- a. Second Street Project – Parking Study – Jeff Arango informed the PAB that he has completed a parking study in the downtown as part of the Second Street Project. The study included parking counts on three separate days, a Wednesday, Friday (during the Second Street Market) and Saturday. Peak occupancy was approximately 67% of the 550 parking spaces counted as part of the study. More detail will be provided as the data is further analyzed and compiled for a public presentation.
- b. Hearings Examiner – The Hearings Examiner ordinance was passed by the City Council and Sound Law has been retained by the city to provide hearings examiner services. The hearings examiner, Ted Hunter from Sound Law, will be coming to the October 17, 2011 meeting to provide the rules of procedure and information for the public on the hearings examiner system.
- c. Shoreline Management Plan – The advisory committee met for the first time on August 31, 2011 and has another meeting scheduled for September 14, 2011. The committee meets the second and fourth Wednesdays of each month in city hall from 10am to 12pm.

## **AUDIENCE INPUT**

No audience input.

## **ADJOURN**

Roger Gage moved to adjourn the meeting. Jim Sundberg seconded. The meeting was adjourned at 5:00. The next regular meeting of the Planning Advisory Board will occur on Monday October 10, 2011.



## Memo

To: Planning Advisory Board

From: Jeff Arango, AICP, CFM

Date: October 10, 2011

### **Re: Proposed Ordinances and Development Regulation Amendments**

#### *Demonstration Program for Innovative Permanently Affordable Housing*

Staff has amended the ordinance as recommended by the PAB at the September 12, 2011 meeting to include permanently affordable rental housing and clarified the requirements for ensuring approved housing remains affordable.

#### *Innovative Mixed-Use Housing*

Staff has made the following amendments to the proposal based on PAB recommendations at September 12, 2011 meeting including:

1. Added a requirement for professional designers to be part of the project team
2. Definitions for public and semi-public space

#### *Accessory Dwelling Unit Height Amendment*

The current height limit for an accessory dwelling unit is 15' except on lots one half an acre or larger and there is one additional foot of setback for each additional foot of height.

A 15' height limit does not allow for a partial or full second story. The intention of the existing 15' height restriction appears to be to reflect the subordinate nature of an accessory dwelling unit and to maintain an appropriate relationship in terms of building scale and massing between the principal and accessory structure. However, an additional setback beyond the façade of the principal dwelling as height of the accessory structure increases will maintain an appropriate balance between the scales of the principal and accessory structures.

Proposal: The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of twenty-two (22') ~~fifteen (15')~~ feet or eighty per cent (80%) of the height of the principal structure, whichever is greater. (Ord. 617, 1992; Ord. 527, 1989, Ord. 699, 1995)(Ord. 820, 2002)

Setbacks. A setback requirement of two feet from the front façade of the principal structure for every foot of height above fifteen (15') or the height of the principal structure, whichever is less. All detached accessory dwelling unit shall be no closer to the street than the principal structure.

Staff recommends the PAB schedule the accessory dwelling unit height modification proposal for a public hearing on November 14, 2011.

#### *Six-Year Capital Improvement Plan*

Attached is the amended six year capital improvement plan (CIP) for 2012-2017. The CIP was adopted as part of the comprehensive plan. While the general capital facilities element is appropriate for inclusion into the comprehensive plan the actual table of capital improvements (updated annually) should not be incorporated directly into the comprehensive plan, but rather should be done by reference. The PAB will still get an opportunity to review the CIP annually. Staff recommends the PAB amend the comprehensive plan to remove the CIP table and schedule a public hearing for November 14, 2011.

## DEMONSTRATION PROGRAM FOR INNOVATIVE PERMANENTLY AFFORDABLE ~~HOMEOWNERSHIP~~ HOUSING PROJECTS

### .010 - AUTHORITY AND PURPOSE

**A. Authority.** Both the Growth Management Act (Chapter 36.70.A) and the Housing Policy Act (Chapter 43.185B RCW) require the City to provide housing opportunities for all economic segments of the community. Similarly the City's Comprehensive Plan encourages revisions to the City's development regulations to increase the supply of affordable housing.

This chapter will allow the use of alternative development standards and processes that are not currently allowed under existing land use regulations, while protecting residential character and maintaining overall consistency with the neighborhood plans and the goals and policies of the Langley Comprehensive Plan.

**B. Purpose.** In accordance with the directives of the Growth Management Act, Housing Policy Act, and the City's Comprehensive Plan, the purpose of this chapter is to facilitate, for a specified trial period of three year-s, the construction of innovative ~~owner-occupied~~ affordable homes by organizations that can demonstrate, to the City Council's satisfaction, after review and approval by the Planning Director or his/her designee, an ability to finance, manage, and monitor affordable home sales and rentals to assure permanent affordability in accordance with the guidelines contained herein.

**C. Goals.** The goals of this chapter are:

1. To encourage innovative building design in housing projects by:
  - a. Increasing the housing supply of affordable housing and the choice of housing styles available in the community.
  - b. Promoting diversity in housing affordability and choice by encouraging smaller and more varied home sizes and mixes of income levels.
  - c. Promoting high quality and environmental design.
2. To encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principles such as low impact development techniques, green building materials, water and energy conservation, and mitigation that offsets impacts to biodiversity.
3. In general:
  - a. To help identify any zoning code amendments that are necessary to support the development of innovative housing choices in Langley.
  - b. To identify effective incentives to encourage green building and low impact development standards.
4. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals.

**D. Timeframe.** Within two years, the City Council shall conduct a public hearing and determine whether to:

1. Extend the specified time period for this chapter;
2. Extend the time period and make modifications to this chapter;
3. Permanently incorporate this chapter into the land use development code; or
4. Rescind this chapter.

\_\_\_\_\_ **.020 - AFFORDABLE ~~HOMEOWNERSHIP~~ HOUSING DEFINED**

Purchasers of affordable homes constructed under this chapter shall meet the following requirements:

**A. Annual Income.** All purchasers shall be from a household whose annual income, at the household's initial occupancy of the ~~single-family~~ residence, is middle income or less, as adjusted by family size, for defined as Island County Washington.

**B. Housing Expenses.** The monthly expenditure by a purchaser, as described in subsection A above, for housing including mortgage payment, insurance, taxes and utilities (water and sewer) shall not exceed 38% of the gross household income at the time of purchase and the amount for mortgage shall not exceed 30% of gross household income. All other variable living expenses associated with the resident's occupancy shall not be a factor in the calculation of affordability.

**C. Affordable Housing**

1. Federal guidelines define affordable housing as decent, quality housing that does not exceed 30% of a household's gross monthly income for rent/mortgage and utility payments. Island County is ranked as the 8th least affordable area in Washington State for housing and Langley is the most expensive area to live on Whidbey Island.

**D. Classification of Income Groups**

The Department of Housing and Urban Development [HUD] and the State of Washington classify household income groups as follows:

Very Low Income.....Households below 50% of the average median income

Low Income.....Households between 50-80% of the average median income

Lower Income.....Households between 81-95% of the average median income

Middle Income.....Households between 96-120% of the average median income

## \_\_\_\_\_.030 - EARNED INCREASED DENSITY CRITERIA

### A. Density Increases: Earned increased density of up to:

1. 100% over the otherwise allowable density in the applicable residential zone may be granted to a project if 50% of dwelling units in the project are provided and retained as permanently affordable ~~owner-occupied~~ homes; or
2. 50% over the otherwise allowable density in the applicable residential zone may be granted to a project if 25% of dwelling units in the project are provided and retained as permanently affordable ~~owner-occupied homes~~; subject to the following eligibility requirements:

### B. Project Applicant.

1. The organization has as its purpose the creation and retention of ~~owner-occupied~~, permanently affordable, income qualified home-ownership and/or rentals.
2. The organization can demonstrate experience in providing affordable housing. Notwithstanding this requirement, an organization that can demonstrate experience in providing housing and a mission statement of its intent to use that experience toward achieving the goal of providing permanently affordable housing shall be deemed to have met this requirement.
3. The organization can demonstrate the ability to employ a mechanism to retain all of the units as permanently affordable to income-qualified buyers as defined by LMC \_\_\_\_\_.020, ~~and which specifically requires that the units be either owner-occupied or vacant~~.
4. The organization can demonstrate an ability and commitment to submit an annual report to the City Council documenting all residential units, past and pending sales, and ownership by qualified home buyers.

**C. Single-Family Home Ownership.** ~~The pP~~projects ~~must that~~ create single-family residences that are individually owned by their occupants. ~~It~~ must have controls in place, subject to approval by the Planning Director or his/her designee, to ensure that the residences remain occupied by income qualified tenants. ~~owner-occupied~~.

**D. Guarantee of Permanent Affordability.** The project just have controls in place, subject to approval by the Planning Director or his/her designee, to ensure that the project's single-family residences remain permanently affordable in accordance with the definition of affordable homeownership housing in LMC \_\_\_\_\_.020. The controls ~~shall~~ may include:

1. Continued ownership of the land by the project applicant with the owner occupants of the single-family residences leasing the land back from the project applicant;

2. A deed/subsidy covenant, Purchase/Sale Agreements, or other similar mechanisms with the owner/occupants, which require that the single-family residences be sold only to qualified purchasers who meet the requirements of LMC \_\_\_\_\_.020;

3. A requirement that the project applicant can only transfer the land to another entity that meets the requirements of subsection A above; or

4. Other methods approved by the Planning Director, or his/her designee, to ensure that the project's single-family residences remain permanently affordable in accordance with the definition of affordable homeownership housing.

**D. Project Location.** Affordable single family homes developed under this chapter must be located in a residential single family or multi-family zone within the City of Langley.

**E. Design Review.** Single-family housing projects receiving earned increased density under this chapter must comply with the design review process and site location criteria for multi-family residential development in LMC Chapter \_\_\_\_\_ to protect, maintain, or enhance neighborhood character and compatibility.

**F. Request for Regulatory Modification.** Project applicants may request modification of the regulatory requirements listed below, provided that the project complies with applicable Washington State laws. Requests for modification must be accompanied by detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Project applicants must meet all other applicable development regulations in the Langley Municipal Code pertaining to single family detached or attached houses. Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or boundary line adjustment application and must be noted on submitted site plans.

1. Minimum lot size;

2. Minimum street frontage'

3. Minimum front, side, and rear yard setbacks;

4. Minimum parking requirements;

5. Maximum lot coverage;

6. Minimum usable open space;

7. Other regulations to allow demonstration of innovative approaches to permanently affordable ~~home ownership~~housing, energy conservation, low-impact development, and stormwater management.

**G. Recommendation for Regulatory Modification.** The Planning ~~and Community Development~~ Director or his/her designee, may issue a recommendation to the Hearing Examiner for modification of regulatory requirements listed in \_\_\_\_\_.030 F. above, for projects applying under this chapter if the Planning Director or his/her designee, determines that approvals of requested regulatory modifications are necessary to facilitate the construction of as many affordable homes as allowable.

#### \_\_\_\_\_.040 - PROCEDURES

Projects applied for under this chapter shall follow the procedures listed below.

**A. Pre-Application Conference.** A pre-application conference with Planning Department staff is required.

**B. Neighborhood Meeting.** An applicant is required to conduct a neighborhood meeting prior to the submittal of an application and after the pre-application conference. The Director may provide standard notice formats and guidelines for conducting the meeting. The notice shall include a brief description of the project, date, time and location of the neighborhood meeting and name and phone number of the applicant or their representative. The applicant shall post the notice of the neighborhood meeting on the project site at least 14 days prior to the meeting and shall mail the notice at least 14 days prior to the meeting to:

1. The Planning Department with a copy of the mailing list;
2. The owner of the property as listed on the application;
3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County Assessor records;
4. Any neighborhood association registered with the Planning Department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary; and
5. The local newspaper.

**C. Submittal Requirements.** The Director shall establish submittal requirements and forms to be used for applications. A complete application shall consist of the completed application form with all required information, a SEPA environmental checklist, if applicable, and any filing fee as established by the City Council.

**D. Determination of Complete Application.** A complete application consists of a completed design review application form together with all required information listed in the submittal requirements, including those established by the Planning Director for applications under this chapter, and payment of the application fee as may be established by the City Council. If a subdivision of land is required, the preliminary plat, short plat, binding site plan, or boundary line adjustment shall also be submitted. An application shall be reviewed to determine whether it is complete under the procedures in LMC \_\_\_\_\_.

**F. Concurrent Review.** The application for design review, subdivision, and project approval under this chapter shall be processed concurrently. The Director's decision regarding design review shall be forwarded to the Hearing Examiner with the staff recommendation for the application.

**G. Notice of Application.** A notice of application shall be provided under the procedures in LMC Title \_\_\_\_ by the following methods:

1. The Planning Department shall mail notice of application to:
  - a. The applicant;
  - b. The owner of the property as listed on the application;
  - c. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County Assessor records;
  - d. Any neighborhood association registered with the Planning Department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary;
  - e. Any person or organization that has filed a written request for notice with the Planning and Community Development Department; and
  - f. The local newspaper.

**H. Date of Notice.** The date of the notice of application shall be the date the notice is mailed.

**I. Posted Notice.** The applicant shall post one or more "notice of application" signs on the site or in a location immediately adjacent to the site that provides visibility from adjacent streets. The Director shall establish standards for size, color, layout, materials, placement and timing of installation and removal of the signs.

**J. Public Comment Period.** The minimum comment period shall be 14 days following the date of notice of application.

**K. Project Review.** Complete applications shall be reviewed by Planning Department staff for consistency with the Comprehensive Plan, the regulatory requirements of the LMC, requests for modifications to regulatory requirements of the LMC, and the design review guidelines. The Planning Director shall consult with the Planning Advisory Board in open public meeting prior to submittal of a written recommendation to the Hearing Examiner. The written recommendation for approval, modification, or denial of the project will be made by the Planning Department Director or his/her designee subsequent to the meeting with the Planning Advisory Board and forwarded to the Hearing Examiner.

**L. Evaluation method.**

Each project will be evaluated for innovation and achievement of the chapter goals using a number of factors. The evaluation factors are divided into three categories.

If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance. Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor.

1. Housing Diversity.

a. Unit Type. The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, or accessory dwelling units.

b. Unit Size. The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size.

c. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels. Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit.

2. Use of Innovative Site Development Practices.

a. Low Impact Development. The project uses a low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:

i. Use rain gardens and other water-absorbent plant growth media, with drought-tolerant native plants, combined with curb cuts and other proven low impact development techniques for rainwater catchment and absorption, to lessen storm water runoff. Invasive species shall not be planted.

ii. Where there is to be an earthen separation between the street and sidewalk and bioswales.

ii. Amended soils.

b. Impervious Surfaces. The project reduces impacts from impervious surfaces through use of techniques such as:

i. Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;

ii. Lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking;

iii. Crushed stone or brick for lightly used pedestrian paths; and

iv. Recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.

c. Landscaping. Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate.

d. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project.

e. Transportation.

i. The project design provides enhanced sensitivity to pedestrian travel.

ii. The project internally preserves existing informal, internal connection to external trail(s); or creates new connections, where appropriate, to implement the nonmotorized transportation plan (NMTP).

ii. The project reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit.

iv. The project accommodates needs of alternative vehicles, such as (i) parking and charging facilities for electric cars, (ii) by locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location, close to a main building entrance, or (iii) parking spaces designed for subcompact vehicles, such as smart TM cars.

v. The project integrates a parking space for a vehicle sharing program, such as Zipcar TM.

vi. The project minimizes the visual dominance of automobiles throughout the project.

### 3. Innovative Building Design Practice.

a. Alternative Energy. The project utilizes, at least in part, alternative power and heat technologies including, but not limited to, solar, passive solar, wind, and geothermal.

b. Energy Efficiency. The project exceeds base energy efficiencies required by the building code by integrating energy efficient building design and appliances.

c. Water Efficiency. The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e., greywater for toilets, landscaping).

d. Green Building Materials. The project utilizes sustainable or “green” building materials internally and externally.

e. Accessibility. The project design incorporates access for residents of all ages and mobility inside and outside the home.

**M. Notice of Public Hearing.** The public hearing shall be consolidated with the hearing on any preliminary application submitted for the project. Notice of Public Hearing shall meet the following requirements:

1. An open record public hearing before the Hearing Examiner shall be scheduled for a date no sooner than 15 days after the issuance of a SEPA determination. Staff recommendations and the final SEPA decision shall not be issued until after the close of the minimum public comment period, provided that the optional DNS process may be used if authorized.

2. Notice of the public hearing for the application shall be published in a newspaper of general circulation at least 10 days prior to the hearing date.

3. Notice of the hearing shall be mailed at least 10 days prior to the hearing in the same manner as for the notice of application.

4. The notices shall contain a brief description and the general location of the proposal, the time, date and location of the hearing and information about the availability of the staff report.

**N. Public Hearing.** A Public Hearing shall be conducted as follows:

1. The Hearing Examiner shall conduct an open record public hearing on the proposal. Any person may participate in the hearing by submitting written comments to the Planning Department prior to the hearing or by submitting written comments or making oral comments at the hearing.

2. The Planning Department shall transmit to the Hearing Examiner a copy of the department file on the application including all written comments received prior to the hearing. The file shall also include the SEPA threshold decision and records regarding public notice of the application.

3. The Hearing Examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

**O. Hearing Examiner Decision.** The Hearing Examiner shall make a written decision to approve, approve with modifications, or deny the application based on the compliance with the earned increased density criteria of LMC \_\_\_\_\_.030. and the applicable development standards.

**P. Notice of Decision.** A notice of decision shall be issued as provided in LMC \_\_\_\_\_.

#### \_\_\_\_\_.050 - ANNUAL REPORTING REQUIREMENTS

The owner(s) of a project receiving earned increased density under this chapter must report annually to City Council regarding the status of the project. Information presented to City Council annually shall include:

**A.** Total number of units in the project;

**B.** Number of units that changed ownership during the past year;

**C.** The purchase price of each unit that changed ownership; and

**D.** The steps taken by the owner to ensure that each unit that changed ownership was transferred at an affordable price in accordance with LMC \_\_\_\_\_.020.

**E. A summary of how the project's innovative design features are functioning including the experience of residents, energy use, building quality, low impact development, maintenance and other relevant topics.**

**.010 Submittal of Innovative Mixed Use Housing Demonstration Project.**

A. This purpose of this chapter is to help achieve the goals and objectives of the Land Use, Economic Development, and Housing elements of the Langley Comprehensive Plan by providing for a program for individual projects that promote infill mixed use development; incorporate more efficient use of land and energy; offer more diverse housing options, [include public benefits](#) and that incorporate smart growth designs into new development.

B. The goals of the innovative mixed use housing demonstration program are to:

1. [Increase housing supply](#)[Provide housing](#) through mixed use development;
2. Increase the choice of housing styles available in the community;
3. Provide for development of housing that responds to changing demographics and smaller-sized households;
4. Maintain the existing downtown area as Langley's retail and civic center, and maintain its intimate, walkable, small-town atmosphere.
5. Encourage a prosperous downtown by proactively addressing the downtown's planning and infrastructure issues;
6. Incorporate residential use in the downtown and along the waterfront in ways that complement, enhance, and do not detract from the primary commercial, civic, and public uses of these areas, that preserve the scale and character of Langley, and that preserve public views and access in these areas;
7. Support the efficient use of land and higher density infill in developed commercial areas;
8. Promote housing choices by encouraging smaller and more diverse home sizes and mixes of income levels;
9. Encourage interaction in the community by [providing-integrating public and semi-public](#) gathering places [into mixed-use projects](#) and encouraging use of parks and community facilities as focal points in the neighborhood;
10. Promote the incorporation of conservation features in the construction of new buildings designed to meet local energy codes, but should also be expected to meet aggressive energy use targets that are "Designed to Earn the ENERGY STAR;" and

11. Allow flexibility in site and design standards, including the requirements of an overlay zone, while promoting infill projects.

C. Timing. Upon the effective date of the ordinance codified in this Section, the City shall immediately begin accepting applications for innovative mixed use housing demonstration project proposals within the Central Business Zoning district. The Innovative Mixed Use Housing Demonstration Program shall expire five years following its adoption, or when three projects developed under this Section are completed, whichever occurs first, unless extended by the City Council, or unless the City Council specifically authorizes additional projects as provided for in this Section. The definition of mixed use is:

"Mixed use" means a development involving a combination of uses including residential and commercial. Typically, a mixed use project may have commercial uses at street level with residential uses not at street level.

Flexibility in the application of this definition may be considered on a project by project basis based upon the benefits derived.

D. Number of Developments. Except as described below, the City may approve up to three innovative housing demonstration projects, with no more than one project demonstrating the same mixed use housing type within any calendar year, unless additional projects are allowed by the City Council as follows:

1. The City Council may authorize the submittal of proposed innovative mixed use housing demonstration project proposals in addition to those described in subsection B of this section, provided such proposed projects demonstrate exceptional design quality and exceptional consistency with the requirements and parameters of this Section.
2. Proposals not authorized for submittal by the City Council may be resubmitted for consideration at the beginning of the next calendar year as long as the ordinance codified in this Section remains in effect.
3. For purposes of this Section, the first calendar year shall begin on the effective date of the ordinance codified in this Section, and then on January 1st thereafter.

E. Materials. Applications for an innovative mixed use housing demonstration project shall be made on forms provided by the City and shall include the following materials:

1. A site plan of the proposed development, indicating property lines, proposed setbacks, and lot coverage calculations. The site plan shall also include the location of all adjacent structures and distance to property lines, and the footprint of any existing structures on the property.
2. Conceptual drawings of the proposed innovative mixed use housing type, including building footprints and building elevations, floor plans, ~~and roof plans~~, and the design public and semi-public space.
3. A description of how the proposed development is appropriate for the setting.
4. A description of how the proposed development complies with all the criteria and project parameters for an innovative mixed use housing demonstration project as described in this Section.
5. A description of the proposed unit type, commercial uses, including proposed square footage, unit mix, number of bedrooms per unit and parking.
6. General information about the site including the number of dwelling units allowed by the zone and the number of proposed dwelling units, open space allowed and proposed, impervious surface allowed and proposed, and building height allowed and proposed.
7. Photographs of the subject and adjacent properties keyed to the site plan.
8. Additional information as required by the application forms provided by the City or deemed necessary by the review panel to consider the application.
9. A conceptual site plan, including building footprint(s), demonstrating the type of development that would likely occur if the site were developed under the City's zoning and design standards for the site.

10. The design team must include professional designers. The design team shall include an appropriate mix of design professionals including an architect, building designer, landscape architect, landscape designer, urban planner/designer or other qualified design professionals.

Applications submitted under this Section shall be available for public review for a minimum of two weeks prior to the neighborhood meeting described in LMC \_\_\_\_\_-040.

**\_\_\_\_\_ -040 Neighborhood Meeting Required.**

A. Developers of innovative mixed use housing projects submitted under this Section shall schedule and host a neighborhood meeting following the guidelines established by the Planning

Department and including attendance by City staff. The neighborhood meeting shall be held within two to eight weeks following submittal.

B. Notice of the neighborhood meeting shall be mailed to all property owners and residents within 300 feet of the proposed project with details of the proposed project, including a description of any modification or flexibility in site design standards that has been requested. The City shall also make every effort to include parties who have expressed an interest in the innovative housing program and shall work with the media to inform the community about the proposed developments.

C. Following the neighborhood meeting, the applicant shall consider public input received during the neighborhood meeting and consider recommendations, if any, for revising the proposed innovative housing project to respond to neighborhood concerns. Any revisions to the proposal shall be provided to the City within 90 days of the neighborhood meeting.

\_\_\_\_\_.-050 **Authorization to Proceed.**

A. Within six weeks of submittal of any revisions to the proposal that are made as a result of the neighborhood meeting, a review panel as described below shall decide which proposals will be authorized to submit development review applications pursuant to LMC 18.xx.-060. The review panel shall consider recommendations of staff, with input from the Technical Committee, to determine which applications submitted under this Section will be authorized to proceed to the next level of review. The review panel shall consider applications based on the responses to the criteria for consideration contained in this Section. The review panel shall consist of the following representatives to be appointed by the Mayor:

1. Two members of the Langley Planning Advisory Board.
2. Two members of the Langley Design Review Board.
3. One member of the Langley Chamber of Commerce.
4. One member of the Langley Main Street program.
5. One member who works in a development related profession (e.g., architect, engineer, land use consultant),
6. One member who is a city resident that has expressed an interest in innovative mixed use housing options.

7. One member of Saratoga Housing authority or similar affordable housing advocacy group.

8. In addition to the nine-member review panel identified in subsection (1) of this section, a Youth Advocate (18 years old or less) member is encouraged to participate on the review panel as a nonvoting member.

B. Duties and authority are as follows:

1. The panel is required to meet with the Planning official and city staff at a meeting to discuss proposed mixed use innovative housing development site plans and recommend modifications.

2. The panel shall make a recommendation based on whether the proposed project meets the specific design requirements provided in this chapter for the specific type of innovative mixed use housing option and may propose allowable modifications. The review panel may consider the number of vehicle trips that will be generated by a proposed innovative housing demonstration project in determining its appropriateness for the location. All proposed innovative mixed use housing demonstration projects shall meet the criteria of the City's ~~Sensitive-Critical~~ Areas Ordinance. Ownership housing is preferred, but projects that include a component of rental housing, such as accessory dwelling units as part of the single-family development, are also encouraged. Developers are strongly encouraged to include housing units that provide for a broad mix of income levels, including a portion of the units that are affordable to households

C. In addition to the requirements contained in this Section, the review panel shall use the following criteria in determining which applications will be authorized to proceed to the next level of review:

1. Consistency with the intent of the innovative mixed use housing goals of providing a variety of mixed use housing choices (specifically demonstrating, but not limited to, those housing styles identified in this Section), promotion of infill development, compatibility with surrounding development, and improving housing affordability options.

D. Following authorization from the review panel to proceed, the applicant shall submit to the City an application for a binding site plan review to be considered under the City of Langley binding site plan review process, subdivision, and any other permit process as required by existing code.

E. Decisions of the review panel in selecting proposals that are authorized to proceed as innovative housing demonstration projects may be appealed to the City Council.

\_\_\_\_\_.060 Permit Process.

A. Within six months following authorization from the review panel to proceed, the applicant shall submit the appropriate development review applications as described below. The applicant may request of the Planning Official, in writing, a maximum extension of six months, provided it is demonstrated to the City's reasonable satisfaction that progress has been made in preparing the submittal.

1. Except for innovative mixed use housing demonstration projects that involve a subdivision as defined by the City of Langley Municipal Code, the City shall use a binding site plan review process to review and decide on innovative mixed use housing demonstration projects, with the additional requirements as described in subsection (3) of this section.

2. For innovative mixed use housing demonstration projects that involve a subdivision, the City shall use a subdivision review process to review and decide on innovative mixed use housing demonstration projects, with the additional requirements as described in subsection (3) of this section.

3. In addition to complying with the approval criteria stated for a subdivision or binding site plan review process, the applicant must demonstrate that:

a. Except as otherwise provided in this Section, the proposal is compatible with surrounding development with respect to building heights, roof forms, property lines, parking location and screening, access, and lot coverage.

b. The proposal provides elements that contribute to a sense of community within the development by including elements such as but not limited to front entry porches, common open space, and common buildings or common spaces within buildings.

4. The applicant may propose additional modifications to the development standards requirements of the Langley Municipal Code upon demonstration that such modifications are important to the success of the proposal as an innovative mixed use housing project and are necessary to meet the intent of this Section. The City shall prioritize review of any LMC modifications that are deemed appropriate to allow for prompt consideration by the Planning Advisory Board and City Council.

5. In order to meet the goals of the Innovative Mixed Use Housing Demonstration Program, there will be flexibility with regard to some normally applicable regulations and requirements including the requirements of an overlay zone. Unless otherwise specified in LMC \_\_\_\_\_.070, all

other regulations and requirements of the City of Langley will continue to apply, except that applicants may propose additional modifications to the Langley Municipal Code, as provided for in this subsection.

a. Planning application fees for the review of the proposed project shall be based on the number of single-family units that would be allowed by the underlying zone, regardless of the number of units being built under this Section.

b. Storm water fees and utility hook-up fees shall be determined based on the actual anticipated usage or on a per unit basis, whichever is less.

6. The City's approval of an innovative mixed use housing project does not constitute approval of a subdivision, a short plat, or a binding site plan, nor does it exempt the project from proceeding under the review requirements for the type of development review process, whichever applies, or from obtaining all necessary permits required under the adopted Building Code.

7. The City of Langley reserves the right to deny an application for development under this Section without prejudice.

**\_\_\_\_\_070 Modifications to the Provisions in This Section.**

A. An applicant may request modifications to the provisions of this Section or other provisions of LMC related specifically to this chapter, to the extent that such modifications are consistent with the purpose, intent and requirements of this Section. Modifications to the adopted Shoreline master Program and implementing use regulations may only be authorized as a shoreline variance.

B. The applicant must describe each requested modification and document in writing how the modifications are consistent with the purpose, intent and requirements of this chapter.

C. The Planning official or hearing examiner may approve modifications after:

1. Considering the innovative mixed use housing review panel's recommendations, and

2. Documenting in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare.

3. Minor changes to a site plan or design elements approved under this chapter may be approved by the Planning official. Changes that increase the intensity of development, e.g. trips generated or number of residential units; alter the character of the development or balance of mixed uses; increase the floor area in one building by more than ten percent; change access points; move buildings around on the site; reduce the acreage of common open area or buffering

areas; or diminish the effectiveness of perimeter buffers, are major and shall be subject to the requirements of this chapter. Major modifications may be approved by the original decision body and shall be subject to design review approval.

**.080 Program Evaluation.**

- A. The department will document project process, innovations, and modifications from the Langley Municipal Code and evaluate to what degree they achieve the purpose of this chapter.
- B. The innovative mixed use housing review panel will review the process of design approval and document real and perceived successes and problems.
- C. A periodic report shall be published and submitted to the city council documenting, describing, and evaluating the results of each project and, if appropriate, making recommendations regarding substantive changes to the Langley Municipal Code that can be supported by evidence gathered from the program experience

**.085 Definitions.**

“Public Space” – A space that is open and accessible to all and may be used for a variety of purposes including active or passive recreation, socialization, entertainment, cultural events, commerce or travel. If space is for passive recreation it must have amenities for people such as places to sit, public art and trash receptacles.

“Semi-Public Space” –Outdoor space that is privately owned but is open and accessible to all. However it may be restricted to those utilizing a good or service. Examples include outdoor restaurant seating, entertainment venues and seating areas. Semi-public space restricted to hotel/motel patrons does not qualify as semi-public space. If space is for passive recreation it must have amenities for people such as places to sit, public art and trash receptacles.

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### **18.22.155 Accessory Dwelling Units**

The Following provisions apply to accessory dwelling units:

- A. Permitted as a second dwelling added to, created within, or detached from the principal residence;
- B. Not less than 300 nor more than 800 square feet in size;
- C. May be established in either an existing or new residence;
- D. Limit of one ADU per legally established lot;
- E. Must be served by City water and sewage services;
- F. The total lot coverage requirement of the applicable zone may be exceeded by up to 15% if necessary to accommodate an ADU;
- G. One off-street parking space is required in addition to the spaces required for the principal or other approved uses on the property;
- H. If the ADU is included within or attached to the principal residence, only one entrance is allowed on the front of the principal residence unless more than one entrance on a front or street side existed as of March 1, 1995; additional entrances shall be on the sides or rear of the residence;
- I. An ADU and a home occupation are allowed on the same lot when the home occupation is of a type that does not: generate significant additional traffic, conduct retail sales, or employ persons who do not reside in the principal building;
- J. Subject to administrative zoning compliance review and building permitting (if applicable) and the owner recording a covenant with Island County acknowledging that he/she/they have read and understand the provisions of this code section. In the case where a home occupation is already established on the property and such home occupation is characterized by the conditions set forth in Section 18.22.060 of this Code, a conditional use permit shall be required to establish an ADU on the same property. (Ord. 696, 1995)

### **18.07.060 Maximum height (and other zones)**

- B. The maximum height for accessory structures is fifteen feet. On lots one-half acre or larger in size, the height may be increased up to the height of the principal building, provided that, there shall be one foot of additional yard setback for each added foot of additional height above fifteen feet.
- C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of ~~fifteen (15)~~twenty-two (22') feet or eighty per cent (80%) of the height of the principal structure, whichever is greater. (Ord. 617, 1992; Ord. 527, 1989, Ord. 699, 1995)(Ord. 820, 2002)

D. A setback requirement of two feet from the front façade of the principal structure for every foot of height above fifteen (15') or the height of the principal structure, whichever is less. All detached accessory dwelling unit shall be no closer to the street than the principal structure.

**TABLE C-1  
PROPOSED SIX YEAR CAPITAL IMPROVEMENT PROGRAM  
CITY OF LANGLEY  
2012-2017**

Building/Utility by location	Year	Estimated Cost	Notes	Funding Source
<u>CITY HALL (112 2<sup>nd</sup> Street)</u>				
Remove carpeting, sand and finish hard wood floor	2012	\$5,000		Capital Fund
<u>HARBOR IMPROVEMENTS (228 Wharf Street)</u>				
Bond for Harbor Expansion	2013	\$30,000/yr		Capital Fund
<u>POST OFFICE (115 2<sup>nd</sup> Street)</u>				
2026 – Year Contract expires				
<u>LIBRARY (104 2<sup>nd</sup> Street)</u>				
Replace eave brackets, braces and barge boards	2012	\$7,500		Capital Fund
Replace trellis over entry	2012	\$2,500		Capital Fund
Paint exterior	2013	\$9,000		Capital Fund
Re-roof	2014	\$8,000		Capital Fund
<u>VISITORS CENTER (208 Anthes Avenue)</u>				
Paint exterior	2012	\$6,000		VIC Imp. Fund
<u>OLD LANGLEY FIRE HALL (179 2<sup>nd</sup> Street)</u>				
Paint exterior	2013	\$6,000		Capital Fund
<u>WATER PUMP HOUSE (818 Dalton Lane)</u>				
<u>PUBLIC WORKS SHOP (999 Coles Road)</u>				
<u>WASTEWATER LAB/ PUBLIC WORKS OFFICE (999 Coles Road)</u>				
<u>PARKS</u>				
Acquire fee-simple ownership or a conservation easement	2012	TBD		Conservation Futures Fund
Seawall Park repairs (concrete stairs/electrical lighting)	2012	\$10,000		Capital Fund
Seawall Park survey	2012	\$4,000		Capital Fund
Cascade Overlook Enhancement	2013	TBD		Capital Fund/Grant
Hladkey Park Expansion	2013	TBD		Capital Fund/Grant
Cedars Park Upgrade	2014	TBD		Capital Fund/Grant
SUBTOTAL		88,000		

Building/Utility by location	Year	Estimated Cost	Notes	Funding Source
<b>TRANSPORTATION</b>				
Municipal Park and Ride	2012	\$584,503		STP/Street Fund/CMA match
Second Street Reconstruction/ public outreach,P.E., permitting	2012	\$250,000		STP/TIB/Wtr. Imp. Fund/Storm Imp. Fund
Anthes Avenue Reconstruction	2012	\$55,210		TIB/Capital Fund
Cascade Avenue Resurfacing	2012	\$88,719		TIB/Capital Fund
Camano Avenue/6 <sup>th</sup> Street Resurfacing	2012	\$36,740		TIB/Capital Fund
Wharf Street Widening and Bank Stabilization	2012	\$240,000		SCP
Second Street Reconstruction/ construction	2013	TBD		STP/TIB/Wtr. Imp. Fund/Storm Imp. Fund
Noble Creek Trail Project	2013	\$100,000		Enhancement Fund
Middle Langley Trail	2013	\$100,000		Enhancement Fund
North side of Sixth Street Improvements	2013	\$436,000		STP/Enhancement Fund/TIB
Edgecliff Drive Upgrade	2014	\$670,000		STP/Enhancement Fund/TIB/Storm Imp. Fund
Waterfront Accessibility Improvements	2013	\$464,000		STP/OTHER
Anthes Avenue Resurfacing	2015	\$200,000		STP/TIB
Trail System	2015	\$500,000		STP/SCP
Waterfront Boardwalk	2016	\$500,000		Enhancement Fund
Downtown Sidewalk/Walkway Improvements	2016	\$150,000		STP/SCP
Street Overlay Program	2012-2017	\$50,000/yr		TIB/Capron/Taxes
SUBTOTAL			*4,425,172	
*without construction of Second Street included				

