



Paul Samuelson, Mayor

# City of Langley

## Planning Advisory Board

### AGENDA

October 24, 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 – October 10, 2011
- 3) Accessory Dwelling Unit Height Proposal Accessory Dwelling Unit Height Proposal
- 4) Demonstration Program for Innovative Permanently Affordable Housing Projects
- 5) PROJECT UPDATES
  - a) Shoreline Management Plan
- 6) AUDIENCE INPUT
- 7) ADJOURN

*Next Regular Meeting: November 14, 2011*

**MINUTES  
CITY OF LANGLEY  
PLANNING ADVISORY BOARD  
October 10, 2011**

The PAB meeting was called to order by Jim Sundberg at about 3:05 pm

**ATTENDANCE**

Members present: Jim Anderson, Craig Carty, Gail Fleming, Roger Gage, Jim Sundberg

Alternate present: Thomas Gill

Staff present: Director of Planning Larry Kwarsick, Director of Public Works Challis Stringer.

**APPROVAL OF MINUTES**

The minutes of the Sept. 12, 2011 meeting were approved, after one correction: spelling of Craig McCarty changed to Craig Carty.

**SIX-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP)**

Challis Stringer presented Table C-1, a 3-page table showing the “Proposed Six Year Capital Improvement Program” for City of Langley. She explained that the 2<sup>nd</sup> page Transportation Improvement Program (TIP) actually was approved in July 2011, but is included in the CIP for completeness. Clarification was provided on the Camano Ave/6<sup>th</sup> Street Resurfacing item, and the Edgecliff Drive Upgrade item, which includes both resurfacing and storm water improvements if needed. The Street Overlay Program is actually an annual commitment, so it should probably be shown for multiple years. Only the 2012 projects are actual commitments; the other years are planned projects.

On the first page of the table, the Harbor Improvements/Bond for Harbor Expansion \$30,000 item is also proposed as a multiyear commitment, so Jim Sundberg suggested that it should be shown for multiple years. For the Library, \$10,000 of maintenance work is shown for 2012 for eave and trellis work.

On the third page, under Sanitary Sewer, Jim Anderson asked about the Front Loader item, and Challis Stringer explained that the City only has an overworked backhoe now, but the large-scale composting operation at the Sewer Plant needs a front loader. The Edgecliff Drive \$45,000 item for 2012 is for the extension of the sanitary sewer beyond the Passages property to the eastern city limit.

After noting that 2013 items and beyond are still subject to further prioritization, a motion to recommend the proposed six-year Capital Improvement Program to the City Council for adoption was made by Roger Gage, and passed unanimously.

**DEMONSTRATION PROGRAM FOR INNOVATIVE PERMANENTLY AFFORDABLE HOUSING PROJECTS**

Larry Kwarsick explained that this draft proposal plus three others applying to Innovative Mixed Use Housing, Protection of Trees During Construction, and Electric Charging Stations had been submitted to Olympia for state review, and had received no questions or comments.

Discussion of affordable housing draft ordinance was extensive. Robin Adams submitted a detailed table of suggested corrections or improvements to the language, including a simplification of how to assign the density bonus. Larry Kwarsick provided the following summary in a follow up memo dated 10/10/2011 [memo is reproduced on the next 2 pages]:

{from the Draft text] **“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 homes; subject to the following eligibility requirements:”

The PAB suggested that the number of affordable homes be equal to the number of units allowed over the base density with a 100% density bonus possible instead of the above.

There are a number of sections that still reference “home ownership”.

The PAB would like to add some demonstration from the applicant on how the project (buildings and site) would be maintained overtime.

Perhaps we should establish parameters for review in addition to determining consistency with the intent of the innovative housing goals of providing a variety of housing choices, compatibility with surrounding single-family development, and improving housing affordability options.

Parameters	
Housing Types	Any attached or detached single-family housing type. 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.
Site	Projects which meet ordinary lot standards for the zone in which the

Requirements	<p>development is located are preferred. However, modifications to the minimum lot size, setbacks, lot coverage, minimum lot width, minimum lot frontage, minimum building separation, and maximum impervious surface area may be considered if it is demonstrated that said modifications are required for construction of the proposed housing type. Any modification to the lot standards shall minimize adverse impacts on adjoining properties.</p>
Unit Size Limits	<p>There shall be no minimum size requirements for the individual units, provided units meet the minimum livability standards as defined by the Building Code.</p> <p>For projects that include “size limited” housing units, a covenant restricting any increases in unit size after initial construction may be recorded against the property.</p> <p>Projects that include a mix of unit sizes within a single development are preferred, including homes that provide ground floor master suites or similar configurations with all living areas on one level.</p>
Number of Units	<p>Projects proceeding under this division shall be allowed no more than two times the density that is allowed by the underlying zone.</p> <p>Limitations on the number of units allowed per lot are waived.</p> <p>Existing single-family homes may remain on the subject property and will be counted as units in the total unit count.</p>
Locations	<p>Citywide in all residential zoning districts. The City encourages projects already served by city water and sewer.</p>
Number of Developments	<p>Up to _____, with no more than _____ projects demonstrating the same single housing type within any calendar year and within any one neighborhood.</p> <p>The City Council may authorize additional projects per _____.</p>
Public Notice	<p>Neighborhood meeting, including City staff attendance, required prior to submittal of application for permit review.</p> <p>Normal publishing and posting after application received.</p> <p>Mailing of notice to adjacent residents and property owners within 500 feet of the proposed development after application received.</p>

Access Requirements and Utilities	<p>The applicant shall work directly with the Public Works and Fire Departments to determine general flexibility for utility standards, road widths, public versus private, and turn-around requirements.</p> <p>The applicant shall verify with the Public Works Department that adequate water, sewer, and storm water capacity exists to service the proposed development.</p>
Development Size	A maximum of _____ units shall be permitted as part of any innovative housing demonstration project.
Ownership Structure	<p>Subdivision.</p> <p>Condominium.</p> <p>Single owner for entire project (to allow rental).</p>
Community Buildings	<p>Shall be clearly incidental in use and size to the primary residential units.</p> <p>Shall be commonly owned by the residents of the development, unless otherwise approved by the Hearing Examiner.</p>
Accessory Dwelling Units	May be considered as part of any submittal but not counted in the number of units
ADA Compliance	Developments which include a portion of the units that are fully accessible under the provisions of the Americans with Disabilities Act, exclusive of such requirements under the Building Code, are strongly encouraged.
Affordability	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 earning 80 percent or less of the Island County median income.
Critical Areas	All proposed innovative housing demonstration projects shall meet the criteria of the City's Critical Areas Ordinance

The PAB wants to make sure sitting includes consideration of solar access.

The PAB would like to see specific statements regarding consideration for application fee reductions, utility connection fee reductions/deferment, etc.

The PAB wants to make sure that use of low impact development techniques are appropriate to the setting.

## **ACCESSORY DWELLING UNIT HEIGHT PROPOSAL (ADU)**

A close reading of the existing ordinance controlling ADU height and setback sparked a good discussion, including the benefits of ADUs in utilizing existing infrastructure services. ADUs may be beneficial enough to justify allowing them on properties not served by existing sewer. On the subject of maximum square footage for an ADU, the PAB suggested it could be related to a percentage of the primary dwelling unit. PAB likes the height flexibility proposed by the new draft ordinance, and discussed some provision to approve ADUs without requiring a strict setback relationship between the ADU and the house in certain situations. Finally, questions were raised about ADUs being charged ½ of ERU connection charges. Several PAB members suggested alternative ways of handling ERU connection charges for ADUs.

## **AUDIENCE INPUT**

Audience members asked questions in the course of discussing the agenda items. Their questions are covered in the notes above.

## **ADDITIONAL PAB MEETING**

To review final versions of 3 or 4 draft ordinances, the PAB requested an extra meeting at 3 pm on Monday, October 24, 2011.

## **ADJOURN**

The meeting adjourned at 5:05 PM.

The next regular meeting of the Planning Advisory Board will occur on Monday October 24, 2011.

### 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~~1000 gross 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, where available;
- 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. The following setback requirements shall apply:

1. Along the front yard a setback of one foot from the front façade of the principal structure for every foot of height above fifteen (15') is required.

2. In addition to #1 above, a setback of one foot from the front façade of the principal structure for every foot of height above the principal structure is also required, or the height of the principal structure, whichever is less.

3. The setback requirements above shall not apply on lots over one-half acre. The standard height and setback requirements for accessory structures in each zoning district shall apply on lots over one-half acre.

4. For all detached accessory dwelling units, only the standard setbacks for the zoning district shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the sideyard setback in the underlying zoning district. ~~All detached accessory dwelling unit shall be no closer to the street than the principal structure.~~

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## 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~~ This ordinance shall automatically expire on the second anniversary of the date of adoption unless the City Council, after a public hearing, decides 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 defined under Section D below), as adjusted by family size, for ~~defined as~~ Island County Washington based on the most recent census data or other verifiable source as determined by the city.

**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 PROJECT APPLICATION REQUIREMENTS AND INCENTIVES**

**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. A density increase of one unit for each perpetually affordable unit is allowed, 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 project applicant shall be, create or contract with an organization that 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, rental history and ownership by qualified home buyers.

5. The organization can demonstrate that the project, including all common areas, will be properly maintained over time.

**C. Single-Family Home Ownership.** ~~The p~~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..

**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 for 50 years 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, Ppurchase/sSale aAgreements, 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 h~~All projects are subject to Design Review. 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, but meet the city's Critical Areas Ordinance-

#### \_\_\_\_\_.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 while also utilizing the evaluation methods under Section K below. 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 the affordable housing criteria or does not provide adequate assurances that the housing will remain affordable for 50 years from the date of approval, it shall not be approved. 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, but still may be approved. The Planning Director may consider other alternative site development or building design practices not mentioned below that may be proposed by the applicant, but meet the goals of this ordinance. ~~Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor.~~

1. Housing Diversity.

a. Unit Type. Any attached or detached single-family housing type is allowed.  
The project should 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.  
Units that are affordable to a range of income levels are encouraged.

## 2. Use of Innovative Site Development Practices.

a. Low Impact Development. The project uses a low impact development approach to storm water management, unless determined to be inappropriate to the setting, 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. [All projects should preserve solar access.](#)

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.