CITY OF LANGLEY DRAFT COUNCIL AGENDA
Monday, January 7, 2019 5:30 PM

1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call APPROVAL OF AGENDA

2. CONSENT AGENDA
   The CONSENT AGENDA consists of routine items that normally do not require further Council discussion. A council
   member may ask questions about an item before the vote is taken, or request that an item be removed from the Consent
   Agenda and placed on the regular agenda for more detailed discussion. A single vote is taken to approve all items remaining
   on the Consent Agenda.
   a. Approval of council meeting minutes of 12/17/18.....................................................1-3
   b. Approval of claims warrants and EFTs in the amount of $42,319.72.................................4-9

4. RECOGNITION/APPROCIATION

5. COMMISSION AND BOARD REPORTS/PRESENTATIONS
   a. George Henny – Whidbey Telecom old building move
   b. Langley Library Report – Vicky Welfare, Librarian

6. CITIZEN COMMENTS *

7. MAYOR’S REPORT

8. UNFINISHED BUSINESS
   a. Adoption of Ordinance 1052 renewing existing moratorium on acceptance of applications
      for the establishment of bed and breakfast rooms and inns.............................................10-20
   b. Ordinance No. 1050 Housing Code Amendments – 1st reading.................................21-68

9. NEW BUSINESS

10. COUNCIL REPORTS

11. DISCUSSION ITEMS

12. ADJOURNMENT

*Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please state your name and address so
this can be recorded, and limit your comments to 5 minutes. Questions will be answered immediately if the answer is brief, and the information is
available. Otherwise, answers will be provided as soon as possible. Thank you for participating! If reasonable accommodation of a disability is
needed please contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.

Statement regarding Potential Conflicts of Interest -
Officials, employees, consultants, volunteers and vendors are obliged to withdraw from any involvement in a matter where there is a conflict or
perceived conflict, even if they feel certain they can act impartially. If a conflict, or potential conflict exists, the affected party shall declare so at
the first public meeting when the matter is being considered. And shall withdraw from the meeting or future meetings for the duration of the
discussion of the issue.

Langley is a Civility First City
Mayor Callison called the meeting to order at 5:30 PM. Present were Council Members Christy Korrow, Ursula Shoudy, Dominique Emerson and Peter Morton. Also present were Planning Director Brigid Reynolds, Public Works Director Stan Berryman, Acting Police Chief Don Lauer, and Finance Director/Clerk Debbie Mahler. The Mayor led the flag salute. Councilman Bruce Allen arrived at 5:45.

**MOTION:** To approve the agenda as amended. A presentation of a Landsdowne portrait of George Washington from the Masons was added. Motion - Morton, 2nd - Emerson. Motion carried.

**MOTION:** To approve the consent agenda. Motion - Emerson, 2nd - Shoudy. Motion was approved.

**CONSENT AGENDA**

Approval of council meeting minutes of 12-3-18
Approval of claims warrants Nos. 37 - 37 , and EFTs in the amount of $59,453.13
Approval of payroll warrants Nos. 37830-37834 and direct deposit run (11/16/18) in the amount of $40,048.41 and Nos. 37872-37897 and direct deposit run (11/30/18) in the amount of $76,308.71

**COMMISSION AND BOARD REPORTS/PRESENTATIONS**

Community Prevention & Wellness Initiative – Gail LaVassar and Tara Hizon of Readiness to Learn gave a presentation on the new program they have started. The South Whidbey School District was recently awarded a two-year State grant to form a Community Coalition dedicated to youth substance abuse prevention. The process will begin with volunteers conducting a needs & resource assessment and developing a strategic plan. Lauri Johnson will assume the role of Community Coalition Coordinator.

Thomas Gill and Rich Bacigalupi and other local Mason Lodge members presented the City with a Landsdowne project portrait of George Washington. It was commissioned in 1796 and painted by artist Gilbert Stuart. It portrays President Washington as a civilian commander of the military and the original now hangs in the White House. The Mayor and Council expressed their gratitude to the Masons.

**CITIZEN COMMENTS**

Michaleen McGarry of Main Street asked for any input from Council on the alley work they have been doing on Melson and Frick Lane. They graded Melson; did brick work on Frick Lane and are placing trees that will be in pots. Thomas Gill thanked Main Street for their work on the alley. Fred Lundahl reported that Don Dahlgren, an owner of multiple downtown properties, passed away a few days ago. Victoria Clipper will have their last weekend this coming weekend. Fred has been driving the shuttle to transport people from the Clipper to downtown. 95% of those visitors have never been here before. He thanked the city for providing lights on Wharf street that helps the Clipper visitors that walk up from the Wharf. The Flight Club of South Whidbey High School provided services for welcoming visitors.
Victoria Locke asked what is happening with the old phone company building that is sitting on blocks on 2nd Street. The building is in the permit process to be moved. Should be done this spring. Mayor Callison will ask George Henny to give the Council an update at a coming meeting.

UNFINISHED BUSINESS

Approval of tourism contract awards.

MOTION: To approve all the tourism applications rated by the Tourism Committee. Motion - Morton, 2nd - Korrow. Motion carried with all in favor. Christy recused herself from the Orca vote. She is now on the board of that entity. There was some matching fund confusion by the applicants and Christy Korrow stated that she won’t vote for approval after this if the applicants do not have the required matching funds. Council desires to schedule a meeting with the Tourism committee to discuss changes to the system. This will be scheduled at the next council meeting.

MOTION: To adopt Ordinance No. 1050 adopting the 2019 budget in the amount of $9,111,463. Motion - Emerson, 2nd - Morton. Christy Korrow asked council to reconsider adding the $15,000 expenditure for design guidelines for housing. Motion passed with the added planning expenditure with Emerson opposed.

STAFF REPORTS

Community planning – Brigid Reynolds reported that the Wayfinding design was presented to Island County Tourism board. There was general acceptance of the plan and she is moving forward with it and will work with Island County on multimodal signage. Some signs will be in the ground in the next few months. With the approved tourism funding, work will start work on the next phase. A public hearing in front of the Planning Advisory Board on the zoning amendments is scheduled for January 2nd. Brigid is looking at a Building inspection agreement with Island County for building official services and is working on an agreement with Fire District 3 for annual fire inspection. Last week was an Arts Commission meeting and they are moving forward on utility box wraps. Island Arts Council and the Commission are wanting to start a Creative Arts District; we will have more information soon. Design Review Board has 4 applications to review tomorrow: an ADU, Sign permits, etc. She has two active enforcement issues going on currently, a vacation rental and water damage at the old Mike’s place building.

Public Works – Stan Berryman reported that the Complete Streets work will go out to bid early next year for 3 ADA enhanced crosswalks and the Anthes plaza. John L Scott building had side sewer failure and the main needs to be replaced. We had a dead tree removed up at the water reservoir that was in danger of falling. A Memorial bench was installed and paid for by David Albright by the trials to Dalton Lane. They are replacing the blower at the treatment plant.

Police – Don Lauer reported that he was honored to be on the interview panel for the readiness to learn Community Coalition Coordinator position, and to write a letter to help them get grant funding for the position. He is excited to be involved and see the impact it will make. He is also meeting with members
of fire department in joint effort for response to mass casualty accidents. The Fire department will be training our officers in incident command. A joint command will be established with fire department for faster response in any major incident.

Finance — Debbie Mahler distributed monthly financial reports and graphs for November. She reported that the City has received over 60 applications for the Records Specialist/Clerk position. She is hoping to get interviews set up within the next week and have someone on board soon.

MAYOR’S REPORT

Mayor Callison reported that he attended the Island County Tourism committee meeting, the Langley Chamber meeting, and the Aer Lingus Visitor Tour on December 9th. On the 11th the ALERT Community meeting took place at the Langley Methodist Church. It was well attended; 12 people signed up for the map your neighborhood program. December 12th he had a meeting here at City Hall with a representative of the USRDA regarding loans/grants for infrastructure purposes. Hopefully, the City will be able to obtain funding for many of the needed utility and sidewalk improvements that are planned. He also attended the first district 1 Workforce Housing round table on that day. He participated in the “world’s shortest parade” to make awards in the deck the door competition. Mayor Callison announced that this is the last meeting of the year and thanked everyone for all their support.

NEW BUSINESS

There was a short discussion of the way in which the preliminary budget is presented. Council asked that the comp plan recommendation numbers for utilities always be put in the first draft budget and if those numbers change during the budget process, the can be altered at that time.

COUNCIL REPORTS

Peter Morton attended the Parks and Open space committee meetings. They are really trying to get trails connecting throughout Langley. There will need to be some negotiation with some property owners. The Arts Commission had a lively debate on forming a coalition to support arts. A Climate change bill has been introduced in the House of Representatives. 2 citizens from Island and Peter met with Dave Hall, a new elected representative and invited him to a Langley meeting. Peter stated that his first year of service has been eye opening and a learning experience. Dominique Emerson attended the public ALERT meeting; she thought it was really well done and community building; huge potential, very exciting. Ursula Shoudy has had many people approach her about her preparedness bag and about being a Zone leader. Port involved with waterfront, fairgrounds staging area and airport. Christy reported her husband hosted Parks & O crew because her property may be part of new trail system. Jill gave excellent presentation of housing survey with graphics and charts, would like to have her present it at Council.

The meeting was adjourned at 7:15 PM.

Respectfully submitted,

Debbie L. Mahler
Director of Finance/Clerk
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Total Greenland - December open 1-7-19

2018 - December - December open 1-7-19

Total Greenland Hardware

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2018 uniform allowance and same-day return

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$67.92

$67.92

$67.92
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**2018 - December - December 2018**
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$57,477
$74,744
Varying accounts (16)

INV: 12/20/2018

Page 3

2019 - January 1st Meeting

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$173.75
$173.75
$13.75
$77,897.75
$77,897.5
$680.25
$3,900.5
$3,797.50
$3,797.50

INV: 3,307,13868

Total: 0

Maine lease 10/10/2018 - 10/30/2019

Posting Machine Expenses

Account: 00122,78,048

INV: 3,307,13868

Total: 0

2019 - January 1st Meeting

$7,572.75
$7,572.75
$12,580.25

INV: 7,414.73

Total: 0

27.25 hrs Nov. 2018: CIP Chapter Professional Services

Project 17519 - 2018 Water System Plan

INV: 7,414.73

Total: 0

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$407.0
$407.0

INV: 1,1434

Total: 0

2017 - December Open 7-1-19

2019 NW Clean Air Agency

Association dues

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- **2019 - January 1st Meeting**
- **2019 - January 2nd Meeting**
- **2019 - January 3rd Meeting**
- **2019 - January 4th Meeting**
- **2019 - January 5th Meeting**


Inv. 3457

Inv. 24717
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| $2,101.05 | 1/22/2018 | BH C Consultants LLC  
Drews, Brian  
City of Langley  
Bridgd Reynolds  
BH C Consultants LLC  
B & T Cleaners |  |
| $2,101.05 | 1/22/2018 | BH C Consultants LLC  
Drews, Brian  
City of Langley  
Bridgd Reynolds  
BH C Consultants LLC  
B & T Cleaners |  |
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Drews, Brian  
City of Langley  
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BH C Consultants LLC  
B & T Cleaners |  |
| $2,101.05 | 1/22/2018 | BH C Consultants LLC  
Drews, Brian  
City of Langley  
Bridgd Reynolds  
BH C Consultants LLC  
B & T Cleaners |  |
| $2,101.05 | 1/22/2018 | BH C Consultants LLC  
Drews, Brian  
City of Langley  
Bridgd Reynolds  
BH C Consultants LLC  
B & T Cleaners |  |
| $2,101.05 | 1/22/2018 | BH C Consultants LLC  
Drews, Brian  
City of Langley  
Bridgd Reynolds  
BH C Consultants LLC  
B & T Cleaners |  |
Staff Report

To: Council
From: Brigid Reynolds, Director of Community Planning
Date: January 7, 2019
RE: Adopt Ordinance No. 1052

Purpose
To adopt Ordinance no. 1052 to renew the existing moratorium on the acceptance and approval of applications for the establishment of bed and breakfast room (residential) and bed and breakfast inn in RS5000, RS7200, RS15000 and residential mixed zones and the licensing and permitting of the same.

Background/Discussion
As Council is aware, the PAB has been working on amendments to the Langley Municipal Code (LMC) regarding short term rentals (STRs). On July 16, 2018, Council adopted Ordinance No. 1047 to establish a six-month moratorium on accepting applications for this use. The Code review has not yet been completed and the six months expires on January 16, 2019. Staff are therefore recommending that the moratorium continue. Ordinance no. 1052 is attached as Exhibit No. 1. A workplan has been prepared to guide the code amendment process. The workplan is attached as Exhibit No. 2.

A public hearing is required and is scheduled for Council’s regular meeting on Tuesday January 22, 2019. This type of ordinance requires one reading and RCW 35.63.200 requires a public hearing be held within 60 days of adoption of this type of ordinance.

Recommendation
To adopt Ordinance No. 1052 to renew the six-month moratorium on accepting applications for short term rentals and schedule a public hearing for January 22, 2019.

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1 Short term rentals refer to rentals that are for less than 30 days. They may also be known as vacation rentals, tourist accommodation, transient accommodation, Air BnB, VRBO, and similar.
EXHIBIT NO 1

CITY OF LANGLEY
Langley, Washington

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RENEWING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE AND APPROVAL OF APPLICATIONS FOR THE ESTABLISHMENT OF BED AND BREAKFAST ROOM (RESIDENTIAL) AND BED AND BREAKFAST INN IN ALL RS5000, RS7200, RS15000 AND RESIDENTIAL MIXED ZONES AND THE LICENSING AND PERMITTING THEREOF; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM RENEWAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Langley Municipal Code (LMC) contains regulations for the establishment of short term rentals or transient accommodations, including Hotels, Motels, Bed and Breakfast Rooms, and Bed and Breakfast Inns; and

WHEREAS, the LMC provisions for bed and breakfast rooms (residential) and bed and breakfast inns and other short term rental accommodations were originally adopted in 1989 by Ordinance 527 with minor revisions in 1990, 1997 and 2001; and

WHEREAS, in recent years the ease of renting rooms and homes for short term rentals has increased due to the growth and popularity of internet-based services for short-term rentals including but not limited to Airbnb and VRBO, which may negatively affect adjacent properties, the stock of affordable housing within the City, and the City overall in ways not previously contemplated; and

WHEREAS, the Comprehensive Plan adopted on March 5, 2018 includes Policy H-4.9 that states “Review the impacts that vacation rentals (Air B&B, VRBO, etc) may be having on long term rentals and housing affordability and if necessary, develop a strategy in response”; and

WHEREAS, a review of short term rentals available in the City indicates a growing number of property owners rent their residential properties for short term rentals that meet the codified definitions of Bed and Breakfast rooms (residential) and/or Bed and Breakfast Inns but without applying for and receiving the required approval from the City; and

WHEREAS, the City has received complaints regarding unpermitted short term rentals in the City and complaints regarding the number of short term rentals that have not been approved or permitted in the City; and

WHEREAS, the City Council recognizes the current LMC provisions regarding short terms rentals including Bed and Breakfast rooms (residential) and Bed and Breakfast Inns do not address the current reality of operation and patronage of short term rentals and may no longer be
adequate to address issues related to parking, noise, property maintenance, and other issues associated with short-term rentals and therefore may not be in the community’s interest; and

WHEREAS, City Council adopted Ordinance No. 1047 on July 16, 2018, a six-month emergency moratorium on the acceptance and approval of applications for the establishment of bed and breakfast room (residential) and bed and breakfast inn in all RS5000, RS7200, RS15000 and residential mixed zones and the licensing and permitting thereof; and

WHEREAS, the moratorium established by Ordinance No. 1047 is set to expire on January 16, 2019; and

WHEREAS, the PAB has developed a work plan to guide the process but has not yet completed its review of code and is not yet ready to make a recommendation to Council, and, therefore, on December 5, 2018, recommended that the moratorium be renewed; and

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to renew the moratorium on vacation permits applications for an additional period of six months to provide time for the review and legislative process to occur without allowing currently unpermitted short term rentals to become vested under current regulations; and

WHEREAS, a public hearing will be held on January 22, 2019, before the Langley City Council, after which time the City may adopt additional findings relevant to this moratorium renewal;

WHEREAS, the City is organized under chapter 35A.12 RCW and authorized to adopt ordinances for the public health and welfare of its citizens and, pursuant to RCW 36.70A.390, is authorized to adopt and renew a zoning moratorium;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Finding of Facts Adopted and Moratorium Renewed. Pursuant to the provisions of RCW 35.63.200 and RCW 36.70A.390 and the recitals as set forth above, which are hereby adopted by this reference as the City Council’s findings in support of the moratorium imposed by this ordinance, a zoning moratorium is hereby renewed in the City of Langley prohibiting the acceptance of applications, licensing, permitting, or establishment of any Bed and Breakfast room (residential) and Bed and Breakfast Inn, as defined in Langley Code section 18. 22.070 & .080 in RS5000, RS7200, RS15000 and Residential Mixed zones as set forth in the Langley Municipal Code.

Section 2. Code Amendments. The City Council hereby directs the PAB to continue its work on reviewing short term rentals and propose possible amendments to the LMC prior to the sunset of this moratorium.
Section 3. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

Section 4. End Date of Moratorium Renewal Unless Extended. This moratorium renewed herein shall remain in effect for six months until July 7, 2019 and shall automatically expire at the conclusion of that 6-month period, unless earlier terminated by the City Council. The City Council may extend the moratorium consistent with the terms of chapter 36.70A RCW.

Section 5. Public Hearing. Pursuant to RCW 36.70A.390, a public hearing shall be held on the moratorium on January 22, 2019 at approximately 6:00 p.m., (within 60 days of adoption of this ordinance) at the Langley City Hall, Langley, Washington.

Section 6. No Unpermitted Uses. No use that constitutes or purports to be a Bed and Breakfast room (residential) and Bed and Breakfast Inn, as defined in Langley Code sections 18.22.070 & .080, that engages or engaged in that activity without a valid authorization or permit as required by Chapter 18.22 LMC shall be deemed to have been a legally established use under the provisions of the Langley Municipal Code and that use shall not be entitled to claim legal nonconforming status nor shall such use be entitled to continue. The moratorium imposed in Section 1 shall not apply to any Bed and Breakfast room (residential) and Bed and Breakfast Inn, legally established and permitted prior to the effective date of this Ordinance.

Section 7. Severability. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to law by a court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

Section 8. Effective Date. This Ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force and effect five days after passage and publication as provided by law.

ADOPTED by City Council and APPROVED by the Mayor this ____________.

CITY OF LANGLEY

By ____________________________
Tim Callison, Mayor

ATTEST: ____________________________
Debbie Mahler, Clerk-Treasurer

APPROVED AS TO FORM: ____________________________
Mike Kenyon, City Attorney

Date of Publication: ____________________________
EXHIBIT NO 2

Short Term Rental
Moratorium Workplan
Ordinance no. 1052
01/02/2019

Background
The Planning Department has been monitoring short-term rentals (STRs) since 2015. This has included reviewing business licenses and web scans of internet-based platforms such as AirBnB, VRBO, etc. The numbers of these operations continue to grow. Attachment No. 1 shows the increasing numbers of operators. While these figures may not be totally accurate due to the inherent challenge of gathering this data, the trends reflect a significant growth in the last three years.

As with many coastal communities in the Puget Sound region and larger Pacific Northwest the City of Langley is a desirable place to live, work and recreate. As a result, housing costs are becoming increasingly more expensive and cost prohibitive for working people. A recent study prepared by Island County determined that 27% of dwelling units in South Whidbey are vacant or second homes. The growth of short term rentals also appears to be impacting the availability of long term rentals, monthly rents and the overall cost of housing in South Whidbey.

The City adopted its updated Comprehensive Plan in March 2018. Housing and housing affordability were significant issues discussed during that process. Since its adoption the Planning Department has been preparing amendments to the municipal code to reduce barriers to the construction of smaller more affordable housing units. In addition to the numerous goals and policies in the Comprehensive Plan relating to housing a specific policy recognizes the need to review the impact of STRs.

H-4.9 Review the impacts that vacation rentals (Airbnb, VRBO, etc) may be having on long term rentals and housing affordability and if necessary, develop a strategy in response.

The Planning Advisory Board (PAB) has been discussing short term rentals since May 2018 as the current regulations do not adequately address the types of STRs on the market today or their internet-based platforms. Planning staff has also been researching and consulting with local governments with similar contexts to help guide the process. At its meeting on November 7, 2018 the PAB established goals and objectives to guide the proposed code amendments and process. These can be found in Attachment No. 2. At the same meeting the PAB recommended using an external web-based compliance company to assist the City with enforcement.

On July 16, 2018 Council adopted Ordinance No. 1047, 6-month emergency moratorium to accepting applications for STR. The public hearing was held on August 20, 2018. The moratorium expires on January 16 and while the PAB and Planning Department has made some headway on the matter more
time is needed. PAB continues to refine a potential strategy for code amendments for STRs in Langley. At its meeting on December 5, 2018 the PAB recommended the moratorium be renewed.

Workplan
Table No. 1 below outlines the major steps and milestones to guide the code amendment process.
Staff have identified three main components of the STR Code Amendment framework:

1. Code Amendments
2. Enforcement Strategy
   a. Possible contract with a web based STR compliance company.
3. Implementation Plan
   a. Process and dead line for compliance

Table No. 1

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<tr>
<td>12/18/2018</td>
<td>Review business license renewal data to remove STR operators and send</td>
<td>Brigid</td>
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<tr>
<td></td>
<td>letter advising of moratorium and process</td>
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<tr>
<td>1/2/2019</td>
<td>Recommend workplan to Council</td>
<td>PAB</td>
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<td>1/7/2019</td>
<td>Adopt new 6-month moratorium and workplan</td>
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<td>Public Hearing</td>
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<td>2/6/2019</td>
<td>Refine STR Code amendment framework</td>
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<td>Continue to refine framework</td>
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<td>April</td>
<td>Refine amendments and framework</td>
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Consultation will include discussions with:

- Langley’s Chamber of Commerce
- Island County Tourism Board
- Town of Coupeville and Island County Planning staff
- Web based STR enforcement businesses
- Formal accommodation operators
- Electronic platforms – Airbnb, HomeAway, TripAdvisor (flipkey),

Public meeting invites:

- Known operators and management companies
- Langley’s Chamber of Commerce
- IC Tourism Board

1/2/2019
Number of STR Operators by Year

Business Licenses by Year

1/2/2019
Attachment No. 2
Draft Vision and Objectives for STR Code Amendments

The draft vision and objectives were reviewed by PAB at its meeting on October 3 and November 7, 2018

DRAFT Vision

- Tourism continues to play an important role in Langley’s economy
- Fulltime residents outnumber seasonal residents and tourists
- Tourism and service workers live in Langley
- Long-term rentals outnumber short-term rentals
- The majority of short-term rentals are bedrooms or accessory dwelling units where the owner/manager lives there.
- A small percentage of whole homes are used as short-term rentals and the owner/manager lives in close proximity.
- The use of any one home as used as a short-term rental shall be of limited duration.
- All short-term rental operators and operations comply with the City and State Codes.
- The operation of unauthorized short-term rentals is enforced.

DRAFT Objectives:

Establish and manage a short-term rental regulation and program that

- Prevents residential neighborhoods from being turned into tourist areas to the detriment of full-time residents
- Does not negatively affect property values (and property tax revenue)
- Does not create pseudo hotels or “party houses”
- Minimizes public safety risks and nuisances such as noise, trash and parking problems
- Gives permanent residents the option to occasionally use their properties to generate extra income from short-term rentals.
- Maximizes the availability of potentially more affordable housing options by minimizing the numbers of long-term rental properties being converted into short-term rentals
- Ensures that short-term rentals are taxed in the same way as traditional lodging providers to create a level playing field and maintain local service jobs
- Ensures that the city does not lose out on lodging tax revenue that is invested in tourism related activities consistent with State code
- Is managed and enforced equitably across the City.
- Does not create an undue burden on City staff and resources.
- Builds in cost recovery.
City of Langley
NOTICE of PUBLIC HEARING

Notice is hereby given that the City of Langley will hold a Public Hearing shortly after 5:30 pm on Tuesday January 22, 2019 as Langley City Hall. The purpose of the Public Hearing is to solicit public input and comment from interested individuals and groups on the adoption of Ordinance No. 1051 to renew a six-month moratorium on bed and breakfast rooms and bed and breakfast inns (short term rentals) in RS5000, RS7200, RS15000 and Residential Mixed zones.

Langley does not discriminate on the basis of disabilities. If you need special accommodation, please contact City Hall within three business days prior to the Public Hearing at (360) 221-4246.

Comments may be presented orally at the Public Hearing or submitted in writing to the City of Langley, P.O. Box 112 2nd Street, WA 98260, or by e-mail to: planning@langleywa.org, prior to 5:00 PM on Tuesday January 22, 2019.

Copies of Ordinance No. 1051 is available at City Hall. Questions may be answered by contacting City staff at (360) 221-4246.

DATED this January 7, 2019.
City of Langley
NOTICE of PUBLIC HEARING

Notice is hereby given that the City of Langley will hold a Public Hearing shortly after 5:30 pm on **Tuesday January 22, 2019** as Langley City Hall. The purpose of the Public Hearing is to solicit public input and comment from interested individuals and groups on the adoption of **Ordinance No. 1052 to renew a six-month moratorium on bed and breakfast rooms and bed and breakfast inns (short term rentals) in RS5000, RS7200, RS15000 and Residential Mixed zones.**

Langley does not discriminate on the basis of disabilities. If you need special accommodation, please contact City Hall within three business days prior to the Public Hearing at (360) 221-4246.

Comments may be presented orally at the Public Hearing or submitted in writing to the City of Langley, P.O. Box 112 2nd Street, WA 98260, or by e-mail to: **planning@langleywa.org**, prior to 5:00 PM on Tuesday January 22, 2019.

Copies of Ordinance No. 1052 is available at City Hall. Questions may be answered by contacting City staff at (360) 221-4246.

DATED this January 7, 2019.
Staff Report

To: Council
From: Brigid Reynolds, Director of Community Planning
Date: January 7, 2019
Re: Ordinance No. 1051 and related Housing Code Amendments

Purpose
To receive the facts and findings and conclusions of law staff report and to grant first reading to Ordinance No. 1051 Housing Code amendments including the related exhibits.

Background
The purpose of the proposed code amendments is to reduce barriers and to facilitate the construction of new and different types of housing to provide much needed housing within the City.

The Planning Advisory Board has been discussing and reviewing proposed code amendments since February 2017.

A public open house was held June 27, 2018 and comments were generally supportive of the proposed amendments. A survey was sent to residents and businesses with their utility bill in July 2018 and the responses (142) were also supportive.

As required by State statute the City’s SEPA Responsible Official issued a Determination of Non-significance (DNS) on November 9, 2018, following review of the proposed code amendments and environmental checklist and the code amendments were submitted to the Department of Commerce for an expedited review on October 11, 2018 and confirmation was received on October 24, 2018.

Summary of Revisions
The following section summarizes the proposed amendments to the Municipal Code.

Ch. 18.01.040 Definitions
New and amended definitions for:
  • Accessory Dwelling Unit
  • Boardinghouse
  • Community Building
  • Dwellings, multi-family
  • Dwellings
  • Long term rental
  • Manufactured Home Siting Standards
  • Recreational Vehicle
  • Tiny Home
• Workforce Housing

Ch. 18.04 Innovative Permanently Affordable Housing
• Amended to add rental housing. Originally the code only referenced home ownership.
• Removed notice and public hearing specifics and referred to Ch. 18.36.020

Ch. 18.06/18.07 and 18.08 – All three RS zones
• Removed regulations related to ADUs and moved them to amended Ch. 18.22.155
• Added density table for ADUs
• Permitted Tiny Homes as a SFD

Ch. 18.09 Land Use Table
• Boardinghouse – change from Conditional Use to Permitted Use
• Tiny Home – identified three scenarios for Tiny Home development and added the zone district where they are permitted.

Ch. 18.22.030 Yards
Removed regulations related to ADUs and moved them to amended Ch. 18.22.155

Ch. 18.22.155 Accessory Dwelling Units
• Revised to include all regulations for ADUs
• Reduced minimum size to 150 SF
• Permit one attached and one detached ADU on lot with SFR where served by sewer.
• Permit one ADU on lot with duplex where served by sewer
• Permit one ADU permitted on lot served by septic.
• No ADU on lot with duplex where on septic.
• Reduce parking requirements to one stall for two ADUs. No additional parking for one ADU.
• Added regulations for Tiny Home as an ADU which are consistent with ADU regulations.
• Establishes conditions to legalize pre-existing but not permitted ADU and established a 24-month amnesty.

Ch. 18.22.280 Boardinghouse
• Added new section for this use including conditions of use

Ch. 18.22.290 Tiny Home (multi-family)
• Added new section for Tiny Home multi-family type development
• One Tiny home requires 1200 sf of and minimum lot size is 5000 SF is required to create a TH MF.
• Minimum of three TH and maximum of 12
• Minimum of 100 SF of open space is required per unit.
• One parking stall per unit.
• Must be on sewer and may have one utility connection when using CH. 18.04
• Not permitted to be used as short-term rental or tourist accommodation.

Ch. 18.22.200 Clustered Residential Development
• Permit ADUs
Ch. 18.35.030 Design Review Board (Scope)
   • Remove requirement for detached ADUs to be reviewed by the DRB.

Ch. 18.36.025 Administration – Permit applications requiring administrative action
   • Remove ADU from requiring notice of application
   • Add Boardinghouse to requiring notice of application.

Ordinance No. 1051 and related exhibits are located in Attachment No. 1.

Conclusion
The PAB has prepared the Code Amendments, undertaken the required steps for the preparation and approval of the proposed ordinance and code amendments. The Council’s decision is the City’s final action on the proposed code amendments. The decision may be appealed to the Growth Management Hearings Board.

Recommendation
That Council adopt the findings of fact, conclusions of law and PAB recommendation to grant first reading of Ordinance No. 1051 and the related zoning code amendments.
Attachment No. 1

CITY OF LANGLEY

ORDINANCE NO. 1051

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON AMENDING
CHAPTER 18 OF THE LANGLEY MUNICIPAL CODE TO ADD NEW SECTIONS
TO CHAPTER 18.22 FOR ACCESSORY DWELLING UNITS; TO ADD A NEW
CHAPTER 18.22.260 FOR TINY HOMES; AND TO AMEND CHAPTER 18.04
PERTAINING TO INNOVATIVE PERMANENTLY AFFORDABLE HOUSING
PROJECTS TO ADD CLARIFYING LANGUAGE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990
to guide the development and adoption of comprehensive plans and development regulations for those
cities required to plan under RCW 36.70A.040; and

WHEREAS, the City of Langley is a non-charter optional municipal code city as provided in Title
3SA RC, incorporated under the laws of the state of Washington, and is required to plan under the GMA;
and

WHEREAS RCW 36.70A.020(4) encourages cities and counties to adopt policies that foster the
availability of affordable housing to all economic segments of the population; and

WHEREAS RCW36.70A.040(3)(d), (4)(d) provides these adopted policies may be implemented by
adoption of relevant development regulations; and

WHEREAS the Langley City Council adopted its Comprehensive Plan on March 5, 2018; and

WHEREAS the Comprehensive Plan contains numerous goals and policies to encourage
alternative and where possible more affordable housing options including but not limited to: Goals LU-4,
H-4.5, S-8.1, and UCF-3.4; and

WHEREAS the Langley City Council maintains regulations for zoning and development at Title 18
of the Langley Municipal Code ("LMC"); and

WHEREAS the Langley City Council tasked staff to research issues of housing affordability, and
provide relevant information to guide the implementation of amended regulations to address these
issues; and

WHEREAS findings from a community survey on housing matters indicated the lack of workforce
housing has negatively affected local businesses' ability to recruit and retain employees; and

WHEREAS for the period between 2011 and 2015 the ratio of the median housing value in
Langley is almost eight times the median household income. The highest in Island County and almost
double that of Washington State; and
WHEREAS 70% of respondents to a 2018 community housing survey stated there are not enough housing options for renters and homeowners in Langley; and

WHEREAS infill housing makes efficient use of city infrastructure; and

WHEREAS the proposed amendments to the City’s development and zoning regulations designed to address the aforementioned issued set forth herein are deemed to be consistent with the Langley Comprehensive Plan; and

WHEREAS the Planning Advisory Board (PAB) has been reviewing these proposed amendments since February 2017; and

WHEREAS the PAB at its meetings of May 2, 2018, August 1, 2018 and October 3, 2018 approved the amendments to be forwarded to Council to begin formal adoption proceedings; and

WHEREAS the City held a publicly noticed open house on June 27, 2018 to receive public input into the proposed code amendments; and

WHEREAS, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on November 9, 2018, following review of the proposed code amendments and environmental checklist; and

WHEREAS, in accordance with RCW 36.70A.106, the City submitted its code amendments to the Department of Commerce for an expedited review on October 11, 2018, and received confirmation from the Department of Commerce on October 24, 2018, of receipt of the required notice; and

WHEREAS, after due and proper notice, the Planning Advisory Board held a public hearing on January 2, 2019 to accept public comments on the code amendments. Over 20 people attended the public hearing and provided comments as reflected in the public hearing minutes; and

WHEREAS, the PAB considered the staff report and public comment received prior to issuing its findings of fact and recommendation to the City Council; and

WHEREAS, on January 2, 2019, the PAB issued written Findings of Fact and Recommendation ("Recommendation"), attached hereto as Exhibit A, wherein the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on January 7, 2019, the City Council in an open public meeting reviewed the recommendation of the PAB;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings, Adopted. The City Council adopts the Planning Advisory Board’s Findings of Facts attached hereto as Exhibit A, as their own findings and conclusions pertaining to these issues.

Section 2. LMC 18.01.040, Amended. Langley Municipal Code 18.01.040 is hereby amended to read as is attached hereto as Exhibit B.

Section 3. Ch. 18.04 LMC, Amended. Langley Municipal Code Chapter 18.04 at subparts 020-060 is hereby amended to read as is attached hereto as Exhibit C.
Section 4. Ch. 18.06 LMC, Amended. Langley Municipal Code Chapter 18.06 at subparts 050, 060, 090, and 095 is hereby amended to read as is attached hereto as Exhibit D.

Section 5. Ch. 18.07 LMC, Amended. Langley Municipal Code Chapter 18.07 at subparts 050, 060, 090, and 095 is hereby amended to read as is attached hereto as Exhibit E.

Section 6. Ch. 18.08 LMC, Amended. Langley Municipal Code Chapter 18.08 at subparts 050, 060, 090, and 095 is hereby amended to read as is attached hereto as Exhibit F.

Section 7. LMC 18.09.010 Land Use Table, Amended. LMC 18.09.010 Land Use Table, is hereby amended to read as is depicted at Exhibit G hereto, which is incorporated herein by reference.

Section 8. LMC 18.22.030, Amended. Langley Municipal Code 18.22.030 is hereby amended to read as is attached hereto as Exhibit H.

Section 9. LMC 18.22.155, Adopted. Langley Municipal Code 18.22.155 is hereby repealed and replaced to read as is attached hereto as Exhibit I.

Section 10. LMC 18.22.280, Adopted. New Langley Municipal Code 18.22.250 is hereby adopted to read as is attached hereto as Exhibit J.

Section 11. LMC 18.22.290, Adopted. New Langley Municipal Code 18.22.260 is hereby adopted to read as is attached hereto as Exhibit K.

Section 12. LMC 18.22.200, Amended. Langley Municipal Code 18.22.200 is hereby amended to read as is attached hereto as Exhibit L.

Section 13. LMC 18.34.030, Amended. Langley Municipal Code 18.34.030 is hereby amended to read as is attached hereto as Exhibit M.

Section 14. LMC 18.36.025, Amended. Langley Municipal Code 18.36.025 is hereby amended to read as is attached hereto as Exhibit N.

Section 16. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 17. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 18. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days from the date of publication.

CITY OF LANGLEY

____________________________________
Tim Callison, Mayor

APPROVED AS TO FORM

____________________________________
Michael R. Kenyon, City Attorney

ATTEST

____________________________________
Debbie L. Mahler, City Clerk
Exhibit A
Findings of Facts and Conclusions of Law

The following report details the findings of facts and conclusions of law for Ordinance No. 1051 Housing Code Amendments.

Suggested Findings of Facts

1. The Washington State Legislature passed the Growth Management Act (GMA) in 1990 to guide the development and adoption of comprehensive plans and development regulations for those cities required to plan under RCW 36.70A.040.
2. RCW 36.70A.020(4) encourages cities and counties to adopt policies that foster the availability of affordable housing to all economic segments of the population.
3. RCW 36.70A.040(3)(d), (4)(d) provides these adopted policies may be implemented by adoption of relevant development regulations.
6. The Planning Advisory Board (PAB) has been reviewing the code amendments as proposed in Ordinance No. 1051 since February 2017.
7. A community survey regarding housing related matters was undertaken in the summer of 2018 and the findings indicated the lack of workforce housing has negatively affected local businesses' ability to recruit and retain employees. In addition, 70% of respondents stated there are not enough housing options for renters and homeowners in Langley.
8. For the period between 2011 and 2015 the ratio of the median housing value in Langley is almost eight times the median household income. The highest in Island County and almost double that of Washington State.
9. Infill housing makes efficient use of city infrastructure.
10. The PAB at its meetings of May 2, 2018, August 1, 2018 and October 3, 2018 approved the amendments to be forwarded to Council to begin formal adoption proceedings.
11. The City held a publicly noticed open house on June 27, 2018 to receive public input into the proposed code amendments.
12. In accordance with RCW 36.70A.106, the City submitted its code amendments to the Department of Commerce for an expedited review on October 11, 2018, and received confirmation on October 24, 2018, of receipt of the required notice.
13. On November 9, 2018 the SEPA responsible official issued a Determination of Non-
Significance. No appeals were filed.

14. On December 14, 2018 a Notice of Public Hearing was posted at City Hall, the Library, the Post Office and on the City’s website. The notice was also published in the SW Record on December 19 and 26, 2018.

15. The Planning Advisory Board (PAB) heard public testimony at a public hearing on January 2, 2019. Approximately 20 people attended. Four written submissions were made and were read out during the hearing. These are attached in Attachment No. 1. Five people provided their oral testimony at the hearing. A summary of the verbal comments is attached as Attachment No. 2. The PAB closed oral testimony at the end of the hearing on January 2nd.

Conclusions of Law
Based on the above Findings of Fact, the following Conclusions of Law have been made:

1. LMC Ch. 18.20.080 grants the PAB the responsibility to review and make recommendations to the City Council for the development or revision of land use regulations, including the zoning code and Shoreline Master Program.

2. Council has the authority to approve or deny the proposed code amendments pursuant to LMC. Ch. 18.36.050.B

3. The amendments are consistent with the purposes of the Comprehensive Plan as identified in item no. 5 above.

4. The amendments are consistent with the purposes of Chapter 18 title as per Ch. 18.01.010 (Note – not all the purposes are suitable to evaluate zoning code amendments)
   a. To promote the health, safety and general welfare as they reduce barriers to enable the construction of more housing within the City.
   b. To preserve the small-town character of Langley and direction for orderly growth and development, together with flexibility to respond to changing economic circumstances. As the proposed amendments can facilitate infill housing construction and provide housing units for people seeking housing within the City of Langley.
   c. There have been significant changes in the circumstances regarding housing in Langley and South Whidbey to warrant the amendments as detailed in Finding of Facts item nos. 7 and 8 above.

5. Following the open record public hearing on January 2, 2019 on the proposed code amendments, the Planning Advisory Board recommends that City Council adopt the findings of fact, conclusions of law, ordinance no. 1051 and related exhibits.

6. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.

7. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

Recommendation
Following the close of the hearing and discussion by the PAB, the Board recommends the public hearing testimony, facts of findings report and code amendments for forwarded to Council for its consideration of first reading of Ordinance No. 1051.
Attachment No. 1
Written Submissions

Brigid Reynolds

From: teresa hess <shojunteresa@gmail.com>
Sent: Wednesday, January 02, 2019 1:45 PM
To: Planning@langleywa.org
Subject: ADU Zoning and Tiny Houses

Hi there--

My name is Teresa Hess and I am a resident of Langley, residing on 5th Street.

I am writing to express my full support of the improvements to the ADU zoning legislation and to the new Tiny House legislation.

Langley is a wonderful place to live and more people deserve access to affordable housing on the island, and in Langley in particular.

I believe the improvements to the ADU zoning and the new Tiny House legislation will provide more necessary housing options to young people, those in need, artists, and in particular to those who work in Langley and support the tourist industry and the economic base of our town.

Thank you for considering my statement of support on these legislations,
Teresa Hess

Brigid Reynolds

From: Verrall Hoover <verrallhoover@gmail.com>
Sent: Tuesday, January 01, 2019 12:29 PM
To: Planning@langleywa.org
Subject: ADU and Tiny House Rules

I am very much in favor of legislation that would allow for ADU and Tiny House development on Whidbey Island and Langley in particular. There is a significant need for affordable housing that these small dwellings could help meet. Well placed and well built ADUs and Tiny Houses would not detract from the sense of neighborhood that we all desire.
V Michael Hoover
130 5th St A201
Langley
Development changes are being considered by the Planning Department and the PAB: ADU’s, and Tiny Homes are being proposed to be allowed if they meet Conditional Use requirements.

Also being proposed are Tiny Homes without Conditional Use requirements. To render Conditional Use unnecessary is to set aside the PAB and Council’s sworn responsibility to promote and defend the health, safety, and welfare of Langley residents and to protect the Langley environment.

The proposal renders unequal application of the current Langley codes. Without development standards such as the following, discerning evaluation becomes irrelevant:
- Site planning
- Landscape requirements and tree retention
- Open public meetings
- Categorical exemptions
- Appeals and public notice processes
- Development review
- Setbacks, clearances, property lines, wells, water lines, etc.
- Storm water control
- Applicable development standards
- Modifications
- Maintenance responsibilities
- Loss of citizen’s right to demand protection of fragile environments

There will be a more logically considered application of Council’s responsibility to meet the needs of affordable housing in Langley but not without the requirement of intelligent planning that Conditional Use brings to the development table.

I understand that the Planning Advisory Board and the City Council are considering elimination of conditional use zoning for developments of tiny homes on acreage. Given the fragile nature many of Langley’s acreages, I urge members to retain conditional use protocols to avoid unintended damage to other properties.

We all want to accommodate affordable housing in our community, but we need to proceed sensibly toward that end. Thank you for your consideration.

Linda Beeman
637 Edgecliff Road
Langley, WA 98260
Attachment No. 2
Summary of Public Hearing Comments

The public hearing was opened by Thomas Gill at 3:02pm. Brigid gave a brief overview of the zoning amendments and the chapters proposed to be amended. Thomas reviewed the discussion guidelines and called for citizen comments.

Coyla Shepard of THINC wished to represent the employers and employees in need of housing. She was concerned about the increasingly high costs of housing and STR abundance in the community. She was grateful for the proposed new amendments.

Nancy Horan of Edgecliff Drive was concerned that changing conditional uses to permitted uses would remove additional oversight and negatively impact critical areas such as the bluff and wetlands. She was particularly concerned about multifamily housing. Brigid clarified that the Shoreline Master Plan and Ch 16 of the Langley Municipal Code was designed to protect critical areas. She added that any multi-family development is required to be connected to sewer and any application must address all other relevant regulations in the LMC.

Shelly Moore of the South Whidbey Homeless Coalition spoke in favor of affordable housing for renters. She added that the transition housing located on Camano Dr. has a 90 day maximum stay and it is often difficult for people to find housing within that timeframe in order that they can transition into their own home.

Judy Thurston of the South Whidbey Homeless Coalition gave a brief history of the Coalition and their work. The Coalition is very embracing of the proposed amendments.

Coyla Shepard gave examples of workers such as chefs, servers, and clerks who are living or who have lived in House of Hope as they are being priced out of housing.

Brigid read the comments submitted in writing from Teresa Hess, Verrall Hoover, Bruce Kortbein and Linda Beeman

Rhonda asked Brigid to share that she was in support of the amendments. However, she does not agree with multifamily tiny homes being a permitted use, especially in the RS15000 and RS7200 zones. Rhonda recommends that this be a conditional use.

Brigid explained that conditional uses can create additional barriers in terms of time and cost for developers as they require an outside hearing examiner to review the application. Conditional uses are still permitted uses but require an additional review and approval process.

Vicki Holbakken expressed support for the amendments and did not wish to see more people priced off the island.

Thomas and Brigid clarified the need for conditional uses and the approval process. Tucker and JR gave examples of conditional uses increasing barriers to development in other places.

The public hearing was closed at 3:32pm.
Maralie recused herself to the audience. Each present PAB member commented on the results of the public hearing.

Burt: Expressed support for proposed amendments. He also wished to remind the audience that new housing and development is up to developers and landowners. The City only guides development by creating code.

JR: Thanked the commenters and attendees. Showed concerned for conditional uses in the code. He expressed confidence that staff reviews all applications against all relevant regulations in the Code.

Tucker: Was not convinced that a conditional use would protect bluff/critical areas. Establishing a use as a Conditional Use results in more barriers.

JR Fulton moved to bring public hearing results to Council and to recommend approval of the proposed housing code amendments and ordinance no. 1051. Seconded by Tucker.

All in favor.
FINAL Consolidated Housing Code Amendments
2019-01-07

Words that have a strikethrough are recommended to be deleted.
Words that are underlined are recommended additions.

Exhibit B

Chapter 18.01.040 Definitions

“Accessory dwelling unit” means a room or set of rooms either in a single-family residence or a separate building on the same lot as a single-family or duplex residence that has been designed or configured to be used as a separate dwelling unit. The accessory dwelling unit generally includes living, sleeping, kitchen and bathroom facilities and has a lockable entrance door. A Tiny Home may serve as an accessory dwelling unit subject to the additional requirements in this Title.

“Boardinghouse” means a single-family dwelling unit in which not more than four roomers, lodgers or boarders are housed and/or fed for compensation on a long-term rental basis and there are no cooking facilities in rented sleeping rooms. Boardinghouse does not include adult family home, clean and sober facility, rest home or convalescent home or single-family dwelling used as a short-term rental.

“Community Building” means a building that is owned in common by all residents of that community or neighborhood and may include a meeting room, laundry facilities, a dining area, kitchen and other shared facilities.

Development, Multifamily. “Multifamily Development” means a development of three or more dwellings on the same property and designated for occupancy by three or more families living independently of each other in separate dwelling units. This includes Tiny Home (Multi-family) as regulated in LMC 18.22.260.

“Dwelling” means a building designed exclusively for residential purposes, including single one-family, two-family (duplex) and multiple-family dwellings.

Dwellings, Types Of.

1. Dwelling, One Single-Family. “One Single-family dwelling” means a detached building designed for occupancy by one family, providing complete housekeeping facilities for one family and containing one dwelling unit. A manufactured home may be considered a single one-family dwelling if when sited per “manufactured home siting standards.”

Dwelling, One-Family (Attached). “Single One-family dwelling (attached)” means a building designed for occupancy by one family on an individually owned lot where the building abuts one or more lot lines and shares a common wall with an adjoining dwelling unit(s). Also known as “townhouse.”

2. Dwelling, Two-Family (Duplex). “Two-family (duplex) dwelling” means a detached building, designed for occupancy by two families living independently of each other and containing two dwelling units.
3. Dwelling, Multifamily. "Multifamily dwelling" means a detached building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.

3. Dwelling, Multifamily. "means a building or group of buildings on one lot, containing separate dwelling units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, townhomes, tiny homes, and condominiums. Multi-family dwelling units may or may not be attached. This does not include Tiny Homes on a lot with an existing single family or two-family (duplex) dwelling."

"Guest houses" means an accessory, detached building designed exclusively for residential purposes and without any cooking facilities; situated on the same parcel as a one-family dwelling; for the use of visitors as nonpaying guests of the one-family dwelling; which cannot be segregated or separately leased, rented, sold or transferred, given or otherwise conveyed unless the parcel is of sufficient size to meet density, platting and other city code requirements for a separate legal lot; of not more than 800 square feet; which provides one parking space in addition to those required for a one-family dwelling; and there shall be no more than one guest house per parcel or lot.

"Long term rental" means the rental of a room or dwelling unit for residential use for a period of more than thirty (30) days.

"Multifamily dwelling" means a building containing three or more dwelling units.

"Recreational Vehicle" means a motor home or trailer less than 35 feet in length or a pickup-mounted camper designed for temporary housing.

Manufactured Home Siting Standards. A manufactured home may be allowed is permitted to be placed within any residential zone that allows permits single-family homes, provided the following conditions are met:

1. The home must be placed on a permanent foundation;

2. If applicable, skirting must be provided;

3. The home shall have a pitched roof and shall be made of either composition, shakes or shingles;

3. All requirements of this title and other applicable regulations must be met.

"Recreational vehicle (RV)," means any motor home, vacation trailer, camping trailer, camper, conversion van, or makeshift vehicle capable of movement on a roadway, which will afford a degree of shelter for humans.

"Tiny Home" means a small dwelling unit on a foundation with a minimum size of 150 square feet and no more than 400 square feet of habitable floor area and shall comply with all applicable building design regulations stated in this Code, as well as those regulations adopted by reference herein. A Tiny Home may be an Accessory Dwelling Unit and shall comply with all regulations for Accessory Dwelling Units. Tiny homes that meet all applicable regulations may be utilized as the following:
1. **Tiny homes as a Single-Family Dwelling Unit.** See LMC 18.06, 18.07 and 18.08.

2. **A Tiny Home may be used as an Accessory Dwelling unit on the same lot as a single-family or duplex residence and shall comply with all regulation for Accessory Dwelling Units.** See LMC 18.22.155.

3. **Tiny Home (Multi-family).** See LMC 18.22.260.

Townhouse. See the definition of “dwelling, single one-family (attached).”

“Work force housing” means housing that is affordable for households with incomes between 80% and 120% (or less) of the Area Median Income (AMI), regardless of tenure.
18.04.010 Authority and purpose.
18.04.020 Affordable housing defined.
18.04.030 Project application requirements and incentives.
18.04.040 Procedures.
18.04.050 Annual reporting requirements.
18.04.060 Repealed.

18.04.010 Authority and purpose.
A. Authority. Both the Growth Management Act (Chapter 36.70 -RCW) 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 the construction of innovative 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 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 of residents.
      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. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.020 Affordable housing defined.

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

A. Annual Income. All purchasers and/or renters shall be from a household whose annual income, at the household’s initial occupancy of the residence, is middle income or less (as defined under subsection (D) of this section), as adjusted by family size, for 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 or renter for housing including mortgage payment or rent, insurance, taxes and utilities (water and sewer) shall not exceed 38 percent of the gross household income at the time of purchase and the amount for monthly mortgage payment shall not exceed 30 percent 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. Federal guidelines define affordable housing as decent, quality housing that does not exceed 30 percent of a household’s gross monthly income for rent or mortgage and utility payments. Island County is ranked as the eighth 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 United States Department of Housing and Urban Development (HUD) and the state of Washington classify household income groups as follows: Very low income: households below 50 percent of the area average median income. Low income: households between 50 and 80 percent of the area average median income. Lower income: households between 81 and 95 percent of the area average median income. Middle income: households between 96 and 120 percent of the area average median income. “Median household income” means the amount calculated and
18.04.030 Project application requirements and incentives.

A. Density Increases. Earned increased density of up to 100 percent 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. may be granted to an affordable housing project per the requirements outlined in item B of this section. Earned density increases are not to exceed a 100 percent increase over the otherwise allowable density in the applicable residential zone.

B. Project Applicant. A project applicant under this chapter must meet/comply with the following:

1. The project applicant shall be, create or contract with an organization that has as its purpose the creation and retention of permanently affordable, income qualified home-ownership and/or rentals.

2. The organization can demonstrate experience in providing affordable housing. 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 Section 18.04.020.

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/or home ownership by qualified renters or home buyers.

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

C. Single-Family or Multi-Family Home Ownership. Projects that create single-family or multi-family residences that are individually owned by their occupants 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 residents.

D. Single-Family or Multi-Family Home Rental. Projects that create single-family or multi-family residences that are rented by their occupants must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain rented by income qualified tenants.
E. Guarantee of Permanent Affordability. Applicants that have been conditionally granted an affordable housing density bonus and/or incentive(s) shall establish controls, subject to approval by the city attorney, to ensure that the project’s single-family or multi-family residences remain affordable for a minimum of fifty years in perpetuity in accordance with the definition of affordable housing in Section 18.04.020. All such controls shall be recorded in the title records of Island County. The controls may take various forms including:

1. Continued ownership of the land by the project applicant with the occupants of the single-family or multi-family residences leasing the land back from the project applicant;
2. A deed/subsidy covenant, purchase/sale agreements, or other similar mechanisms, which require that the residences be sold only to qualified purchasers who meet the requirements of Section 18.04.020;
3. A requirement that the project applicant can only transfer the land to another entity that meets the requirements of subsection (B) of this section; and/or
4. Other methods approved by the city attorney to ensure that the project’s single-family or multi-family residences remain permanently affordable in accordance with the definition of affordable housing.

F. Project Location. Affordable single-family homes developed under this chapter must be located in RS zone districts, residential single-family zone and affordable multi-family homes developed under this chapter must be located in zone districts where multi-family housing is permitted, within the city of Langley.

G. Design Review. 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 this title to protect, maintain, or enhance neighborhood character and compatibility.

H. Request for Modification to the Application of Development Regulations. 
1. Project applicants may request modification of the application of the following development regulations; provided, that the project otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code:
   a. Minimum lot size;
   b. Minimum street frontage;
   c. Minimum front, side, and rear yard setbacks;
   d. Minimum parking requirements;
   e. Maximum lot coverage;
   f. Minimum usable open space; and/or
2. The applicant shall describe each requested modification in writing and include detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or boundary line adjustment or other application and must be noted on submitted site plans.

3. The planning director or his/her designee shall review the requested modification and reasons provided for the modification and provide a written recommendation to the decision-maker for the underlying application regarding whether to approve, approve with conditions, or deny the requested modification on the basis of whether the modification is consistent with the purpose and requirements of this chapter, does not threaten the public health, safety, or welfare and otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code.

4. The decision-maker for the underlying application shall determine whether to approve, approve with conditions, or deny the requested modification as part of the decision on the underlying application.

(Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.040 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 and the project applicant is required before the city will accept an application under this chapter.

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 of community planning 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 of community planning shall establish submittal requirements and forms to be used for applications.

D. Determination of Complete Application. 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. If a subdivision of land is required, the preliminary plat, short plat, binding site plan, or boundary line adjustment shall also be submitted as part of the application. An application shall be reviewed by the director of community planning to determine whether it is complete under the procedures in Section 18.36.010.

E. Concurrent Review. The application for design review, subdivision, and project approval under this chapter shall be processed concurrently. The director’s recommendation regarding design review shall be forwarded to the hearing examiner with the staff recommendation for the application.

F. Notice of Application. The planning department shall mail notice of application to:

1. The applicant;

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;

5. Any person or organization that has filed a written request for notice with the planning and community development department; and

6. The local newspaper.

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

H. 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.

I. Public Comment Period. The minimum comment period shall be 14 days following the date of notice of application.
J. Project Review. Complete applications shall be reviewed by planning director for consistency with the comprehensive plan, the regulatory requirements of the Langley Municipal Code, and the design review guidelines while also utilizing the evaluation methods under subsection (K) of this section. The director of community planning shall consult with the planning advisory board in open public meeting concerning the project application. Thereafter, the planning director shall submit a written recommendation to the hearing examiner to approve, approve with conditions, or deny the project.

K. 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 a minimum of 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 should be approved. The director of community planning 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 chapter.

1. Housing Diversity.
   a. Unit Type. Any attached or detached single-family or multi-family housing type is allowed as permitted in the Langley Municipal Code. The project can include a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, triplex, tiny houses, or accessory dwelling units.
   b. Unit Size. The project is encouraged to 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 as outlined in Chapter 18.04.020. Designated affordable housing shall remain affordable for a minimum of at least 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 stormwater management, unless determined to be inappropriate to the setting, through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:
      (1) Use of 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 stormwater runoff. Invasive species shall not be planted.
(2) An earthen separation between the street and sidewalk and bioswales.

(3) Amended soils.

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

(1) Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;

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

(3) Crushed stone or brick for lightly used pedestrian paths; and

(4) 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.

(1) The project design provides enhanced sensitivity to pedestrian travel.

(2) The project internally preserves existing informal, internal connection to external trail(s); or creates new connections, where appropriate, to facilitate the City's multi-modal transportation network, implement the nonmotorized transportation plan (NMTP).

(3) The project reduces reliance on automobiles and trip counts and promotes alternative transportation and public transit.

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

(5) The project integrates a parking space for a vehicle sharing program.

(6) 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.

L. Notice and Public Hearings

Notification shall be undertaken in accordance with 18.36.020 and Public hearings shall be held in accordance with Ch. 18.36.060 and Ch.18.37.

Notice of Public Hearing. Notice of public hearing shall be provided in accordance with the following:

1. 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.

2. 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.

3. 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.

M. Public Hearing. The hearing examiner shall conduct an open record public hearing on the proposal in accordance with the following:

1. The hearing shall be scheduled for a date no sooner than 15 days after the issuance of the SEPA determination (if any) regarding the proposal.

2. The public hearing shall be consolidated with the hearing (if any) on any preliminary application submitted for the project.

3. 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.

4. The planning department shall transmit to the hearing examiner a copy of the department file on the application including but not limited to the application and all materials submitted by the applicant, all written comments received prior to the hearing, the SEPA threshold decision, and records regarding public notice of the application.

5. 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.
N. Hearing Examiner Decision. The hearing examiner shall make a written decision to approve, approve with conditions and/or modifications, or deny the project application based upon the record of the hearing and whether the proposed project is consistent with the purpose, goals and requirements of this chapter and other applicable provisions of the Langley Municipal Code.

O. Notice of Decision. A notice of decision shall be issued as provided in Section 18.36.130. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.050 reporting requirements.
The owner(s) of a project receiving earned increased density or their designee must report under this chapter 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;

For owner-occupied units:

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

BC. The purchase price of each unit that changed ownership;

CD. The steps taken by the owner to ensure that each unit that changed ownership was transferred at an affordable price in accordance with Section 18.04.020;

For rental units:

A. Number of units that changed occupancy during the past year;

B. The monthly rent- of each unit that changed ownership.

C. The steps taken by the owner or their designee to ensure that the monthly rent for each unit that changed occupancy was maintained at an affordable price in accordance with Section 18.04.020;

and

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. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.060 Enforcement

A. The provisions of this chapter shall apply to all developers and their agents, successors, and assigns proposing a residential development governed by this chapter. No building permit or occupancy permit shall be issued, nor any entitlement granted, for a project receiving a density bonus until it meets the requirements of this chapter.

B. All affordable units shall be rented or owned in accordance with this chapter.
C. The city shall be authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, covenants, resale restrictions, promissory notes, deeds of trust, and other requirements placed on affordable units by civil action and any other proceeding or method permitted by law. The city may, at its discretion, take such enforcement action as is authorized under this code and/or any other action authorized by law or by any regulatory document, restriction, or agreement executed under Ch. 18 of the Langley Municipal Code.

D. Any individual who sells or rents an affordable unit in violation of the provisions of this chapter shall be required to forfeit all monetary amounts so obtained.

18.04.060 Expiration of innovative permanently affordable housing demonstration program and chapter.

Repealed by Ord. 1027. (Ord. 969 § 2 (Att.-B), 2012)
Sections:

18.06.010 Land uses.
18.06.020 Repealed.
18.06.030 Repealed.
18.06.040 Minimum lot size.
18.06.050 Setbacks.
18.06.060 Maximum height.
18.06.080 Maximum lot coverage – RS5000.
18.06.085 Floor area limits.
18.06.090 Density including Accessory Dwelling Units
18.06.095 Tiny Homes as a SFD

18.06.010 Land uses.
The table in Section 18.09.010 identifies the allowed land uses in the RS5000 district. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)

18.06.020 Secondary uses.

18.06.030 Conditional uses.

18.06.040 Minimum lot size.
Minimum lot size in the RS5000 zone is 5,000 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.06.050 Setbacks.
Setbacks in the RS5000 zone are:
A. Street or front: 20 feet;
B. Side yard: five feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line, and in no case shall a structure be erected closer than two feet to the alley right-of-way;

E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues, shall be considered in calculating the location of the structure or
building in determining compliance with the setback requirements of this section. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 788, 2000; Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.06.060 Maximum height.
A. Maximum height in the RS5000 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is 15 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 15 feet.

C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.

D. The following setback requirements shall apply to detached accessory dwelling units:

1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.

2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.

3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.06.050 for accessory structures shall apply on lots over one-half acre in size.

4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.06.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 965 § 2, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.06.080 Maximum lot coverage—RS5000.
The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:
A. Lots 10,000 square feet or less: 40 percent;
B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;

18.06.085 Floor area limits.
The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:

Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.06.040.
A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.

B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 799, 2001)

**18.06.090 Density including Accessory Dwelling Units**

For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

<table>
<thead>
<tr>
<th>Lot with SFD on sewer</th>
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<th>Lot with SFD on septic</th>
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<td>One detached ADU</td>
<td>One attached or one detached ADU</td>
<td>No ADUs</td>
</tr>
<tr>
<td>Maximum two ADUs</td>
<td>Maximum one ADU</td>
<td>Maximum one ADU</td>
<td></td>
</tr>
</tbody>
</table>

**18.06.095 Tiny Homes as a SFD**

Tiny Homes constructed or placed on a lot as a single-family dwelling shall meet the same requirements for a single-family dwelling as regulated in this zone.
Exhibit E

Chapter 18.07
RS7200 ZONE – RESIDENTIAL

Sections:
18.07.010 Land uses.
18.07.020 Repealed.
18.07.030 Repealed.
18.07.040 Minimum lot size.
18.07.050 Setbacks.
18.07.060 Maximum height.
18.07.080 Maximum lot coverage.
18.07.085 Floor area limits.
18.07.090 Density including Accessory Dwelling Units.
18.07.095 Tiny Homes as a SFD.
18.07.100 Lot clustering.

18.07.010 Land uses.
The table in Section 18.09.010 identifies the allowed land uses in the RS7200 district. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)

18.07.020 Secondary uses.

18.07.030 Conditional uses.

18.07.040 Minimum lot size.
Minimum lot size in the RS7200 zone is 7,200 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.07.050 Setbacks.
Setbacks in the RS7200 zone are:
A. Street or front: 20 feet;
B. Side yard: five feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or
building in determining compliance with the setback requirements of this section. (Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.07.060 Maximum height.
A. Maximum height in the RS7200 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.
B. Except as otherwise provided herein, the maximum height for accessory structures is 15 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 15 feet.
C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.
D. The following setback requirements shall apply to detached accessory dwelling units:
   1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.
   2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.
   3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.07.050 for accessory structures shall apply on lots over one-half acre in size.
   4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.07.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 965-5-3, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.07.080 Maximum lot coverage.
The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:
A. Lots 10,000 square feet or less: 40 percent;
B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;
C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 733, 1997; Ord. 617, 1992)

18.07.085 Floor area limits.
The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:
Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.07.040.
A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.
B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 799, 2001)

18.07.090 Density including Accessory Dwelling Units
For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

<table>
<thead>
<tr>
<th>Lot with SFD on sewer</th>
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<th>Lot with SFD on septic</th>
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<tr>
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<td>Maximum one ADU</td>
<td></td>
</tr>
</tbody>
</table>

18.07.095 Tiny Homes as a SFD

*Tiny Homes constructed or placed on a lot as a single-family dwelling shall meet the same requirements for a single-family dwelling as regulated in this zone.*

18.07.100 Lot clustering.

On parcels over two acres in size, a density bonus of 25 percent is allowed in conjunction with lot clustering, subject to the following: 50 percent or more of the site is reserved for permanent open space. (Ord. 778, 2000)
Exhibit F

Chapter 18.08
RS15000 ZONE – RESIDENTIAL SINGLE-FAMILY

Sections:

18.08.010 Land uses.
18.08.020 Repealed.
18.08.030 Repealed.
18.08.040 Minimum lot size.
18.08.050 Setbacks.
18.08.060 Maximum height.
18.08.070 Lot clustering.
18.08.085 Floor area limits.
18.08.090 Maximum lot coverage.
18.08.095 Density including Accessory Dwelling Units
18.08.100 Tiny Homes as a SFD

18.08.010 Land uses.
The table in Section 18.09.010 identifies the allowed land uses in the RS15000 district. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 699, 1995; Ord. 527, 1989)

18.08.020 Secondary uses.

18.08.030 Conditional uses.

18.08.040 Minimum lot size.
Minimum lot size in the RS15000 zone is 15,000 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.08.050 Setbacks.
Setbacks in the RS15000 zone are:
A. Street or front: 20 feet;
B. Side yard: 10 feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 788, 2000; Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.08.060 Maximum height.
A. Maximum height in the RS15000 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is 15 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 15 feet.

C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.

D. The following setback requirements shall apply to detached accessory dwelling units:

1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.

2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.

3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.08.050 for accessory structures shall apply on lots over one-half acre in size.

4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.08.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 965 § 4, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.08.070 Lot clustering.
On parcels over two acres, a density bonus of 25 percent is allowed in conjunction with lot clustering, subject to the following: 50 percent or more of the site is reserved for permanent open space. (Ord. 527, 1989)

18.08.085 Floor area limits.
The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:

Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.08.040.
A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.

B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 799, 2001)

18.08.090 Maximum lot coverage.
The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:

A. Lots 10,000 square feet or less: 40 percent;

B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;

C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 733, 1997; Ord. 617, 1992)

18.08.095 Density including Accessory Dwelling Units

For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

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<tr>
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<tr>
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<td>Maximum one ADU</td>
<td></td>
</tr>
</tbody>
</table>

18.08.100 Tiny Homes as a SFD

Tiny Homes constructed or placed on a lot as a single-family dwelling shall meet the same requirements for a single-family dwelling as regulated in this zone.
Chapter 18.09

LAND USES

Chapter 18.09.010 Land Use Table

<table>
<thead>
<tr>
<th>Land Use</th>
<th>CB</th>
<th>NB</th>
<th>P-1</th>
<th>RM</th>
<th>RS5000</th>
<th>RS7200</th>
<th>RS15000</th>
<th>NB Retail Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boardinghouses</td>
<td>X</td>
<td>CU</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
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<td>CU</td>
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<td>P</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tiny Home</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Tiny Home (on a lot with an existing single family or duplex dwelling)</td>
<td>X</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>X</td>
</tr>
<tr>
<td>Tiny Home (Multi-Family)</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
</tbody>
</table>

P – Permitted
S – Secondary
CU – Conditional Use
X – Not Permitted

*All uses permitted in the NB Zone are also permitted in the NB Retail Overlay Zone
18.22.030 Yards

B. Yards – Setbacks. No portion of any building, or structure, over 18 inches above grade shall extend into a required yard, with the exception of the following:

1. Eaves may extend no more than 18 inches into a required yard area; and

2. Accessory buildings and structures and detached accessory dwelling units may be located in the rear yard setback, as long as they are no closer than five feet from any property line; provided, that in the RS15000 zone, dwelling units may not be closer than 10 feet from any property line;

3. Rear Yard. A principal structure may extend up to six feet into the rear setback; provided, that the extended structure is limited in width to 20 percent of the average lot width and is no higher than 12 feet.
Exhibit I

Ch. 18.22.155 Accessory Dwelling Units

Repeal and Replace Ch. 18.22.155 with the following

A. Purpose

Accessory dwelling units are permitted in certain situations to:

1. Create new housing units while respecting the look and scale of single-family neighborhoods;
2. Support more efficient use of existing housing stock and infrastructure;
3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
4. Create work force housing;
5. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
6. Provide accessible housing for seniors and persons with disabilities; and
7. Implement the Comprehensive Plan.

B. Accessory Dwelling Units

1. The following provisions apply to accessory dwelling units on RS zoned lots:

   a. General

      i. Accessory dwelling units maybe created within or detached from the principal dwelling unit;
      ii. May be established in either an existing or new residence;
      iii. Shall be not less than 150 nor more than 1,000 square feet in size;
      iv. The total lot coverage requirement of the applicable zone may be exceeded by up to 15 percent if necessary to accommodate an ADU;
      v. If the ADU is included within or attached to the principal dwelling unit 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 dwelling unit residence;

   b. Utilities

      Must be served by city water and sewer services, where available.

   c. Density

      Notwithstanding B.1.b. above the following is permitted:

      Table 1 – Density
      For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU
<table>
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<tr>
<th>Lot with SFD on sewer</th>
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<td></td>
</tr>
</tbody>
</table>

d. **Parking**
   i. *Where there are two accessory dwelling units* One off-street parking space is required in addition to the spaces required for the principal or other approved uses on the property.

e. **Height**
   ii. *The maximum height for a detached accessory dwelling unit is 15 feet.*
   iii. *The height of accessory structures that include an accessory dwelling unit on the second floor may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.*

f. **Setbacks**
   The following setback requirements shall apply to detached accessory dwelling units:
   i. *Street or front: 20 feet;*
   ii. *Side yard: five feet on each side;*
   iii. *Rear Yard: five feet for lots located in the RS5000 and RS7200 Zone Districts and ten feet for lots located in the RS15000 Zone District*
   iv. *In addition to B.1.f.i above, an accessory dwelling unit structure shall be setback from the front facade of the principal dwelling unit structure one foot for every foot of height above 15 feet; and an ADU shall be setback one foot from the front facade of the principal dwelling unit for every foot of height above the principal dwelling unit.*
   v. *Where the principal residence is located more than 25 feet from the front lot line an accessory dwelling unit may be located in front of the principal residence but must be a minimum of 10 feet from the front or street lot line provided the front door does not face the street.*

g. **Design**
   The entrance to the Accessory Dwelling Unit shall not face the nearest side lot line or rear lot line, unless there is an alley abutting on that side of the lot.

h. **Access**
   i. *Where there is an alley and where possible, parking shall be accessed from the alley.*
   ii. *Driveway access must be shared by both the principal residence and accessory dwelling unit(s), where possible.*
D. Tiny Home
1. The following provisions apply to a Tiny Home(s) as an Accessory Dwelling Unit on RS zoned lots:

a. Building Code
A Tiny Home must be built according to the following building code standards:
   i. Tiny Homes shall comply with the IRC and all development standards for a single-family dwelling unit, except as modified herein.
   ii. Habitable rooms shall meet minimum area requirements of the IRC and the LMC.
   iii. Be supported and anchored to a permanent foundation.
   iv. Shall include permanent provisions for living, sleeping, eating, kitchen and sanitation (water closet, lavatory, and a bathtub or shower) in accordance with the IRC and the LMC.
   v. Shall meet ingress/egress requirements of the IRC and the LMC.

b. Utilities
A Tiny Home must be served by City sewer and water, where available.

c. Density
   i. Notwithstanding D.1.b above the following is permitted:

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Lot with SFD on sewer</th>
<th>Lot with Duplex on sewer</th>
<th>Lot with SFD on septic</th>
<th>Lot with Duplex on septic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot with SFD on sewer</td>
<td>Lot with Duplex on sewer</td>
<td>Lot with SFD on septic</td>
<td>Lot with Duplex on septic</td>
<td></td>
</tr>
<tr>
<td>One attached and one detached ADU</td>
<td>One detached ADU</td>
<td>One attached or one detached ADU</td>
<td>No ADUs or Tiny Homes</td>
<td></td>
</tr>
<tr>
<td>Maximum two Tiny Homes or ADUs</td>
<td>Maximum one Tiny Home or ADU</td>
<td>Maximum one Tiny Home or ADU</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D. Lot coverage
An additional 15% lot coverage is permitted for a Tiny House on a lot with an existing single family or two-family (duplex) dwelling.

e. Setbacks
A Tiny Home must be setback a minimum of:
   i. Five feet behind the front facade of the principal residence. Except where the principal residence is located more than 25 feet from the front lot line the Tiny Home may be located in front of the principal residence but must be a minimum of 10 feet from the front or street lot line provided the front door does not face the street.
   ii. Side Yard: five feet
   iii. Rear Yard: five feet

f. Height
A maximum height of 15 feet.
g. **Parking**
   One off-street parking space is required for two Tiny Homes in addition to the parking spaces required for the principal or other approved uses on the property.

h. **Access**
   i. Where there is an alley and where possible, parking shall be accessed from the alley.
   ii. Driveway access must be shared by both the principal residence and Tiny Homes, where possible.

i. **Design**
   The entrance to the Tiny Home shall not face the nearest side lot line or rear lot line, unless there is an alley abutting on that side of the lot.

E. **Pre-existing Accessory Dwelling Units**

   **Conditions for legalizing pre-existing accessory dwelling units**
   An accessory dwelling unit that existed **January 22, 2019**, may be legally established and may continue to be used as an accessory dwelling unit if the following conditions are met:

1. The property owner files an application for the accessory dwelling unit. The administrator may waive the size limitations if the reduction of the floor area required to bring the pre-existing unit into compliance is impractical to achieve.

2. Prior to issuance of a permit, the property owner allows inspection of the accessory dwelling unit by the city to ensure the minimum requirements of this chapter relating to fire, life safety, and public health are met, as determined by the director. All improvements necessary to bring the pre-existing accessory dwelling unit into compliance with applicable fire, life safety, and public health requirements shall be identified and made within 30 days of permit issuance and prior to the issuance of the certificate of occupancy.

3. Prior to issuance of a permit, the property owner shall complete and record an affidavit.

F. **Amnesty Period**

   Any existing illegal ADU will not be subject to enforcement action if an application to legalize the ADU is submitted with 24 months of the adoption of these regulations. During this 24-month period the ADU permit fee for the Administrative Review, as per LMC 18.36.02 will be waived. Building permit fees will still be required.
Exhibit J

Add a New Section 18.22.280

18.22.280 Boardinghouse

A. Purpose

Boardinghouses are permitted in certain situations to:

1. Create new housing units while respecting the look and scale of single-family neighborhoods;
2. Support more efficient use of existing housing stock and infrastructure;
3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
4. Create work force housing; and
5. Provide housing that responds to changing family needs, smaller households, and increasing housing costs.

B. Conditions of Use

A boardinghouse:

1. Is permitted in detached single-family dwelling unit only;
2. Is permitted for long-term rentals only (more than 30 days);
3. All rooms offered for rent shall be legally-established bedrooms;
4. The maximum number of adults over the age of 16 permitted to reside in one bedroom is two;
5. On-site parking spaces are required in a quantity equal to the number of rented bedrooms;
6. Cooking facilities shall not be located in individual bedrooms and shall be shared;
7. Shall be in conformance with the IRC and all other applicable regulations; and
8. Approval of this use shall be subject to administrative review and notice requirements pursuant to Ch. 18.36.025.
Add New Section 18.22.290

Section 18.22.290 TINY HOME (Multi-Family)

A. Purpose
   To allow for the creation of a cluster of Tiny Homes surrounding common open space or a common
   building or a combination thereof.
   To facilitate infill development that is compatible with surrounding single-family dwelling units.
   To enable an alternative type of clustered housing with a small footprint.

B. Density and Minimum Lot Area
   1. One Tiny Home per 1200 square feet
   2. The minimum lot area for a Tiny Home multi-family unit development is 5000 square feet.

C. Number of Units
   1. The minimum number of dwelling units is three (3) Tiny Homes.
   2. The maximum number of dwelling units is twelve (12) Tiny Homes.

D. Setbacks
   1. Front yard – Shall be an average of 10 feet and at no point shall it be less than five feet.
   2. Rear yard – The minimum rear yard shall be ten feet.
   3. Side yard – The minimum side yard shall be five feet.
   4. Separation between Tiny Homes – The minimum separation between units shall be six feet.

E. Lot Coverage
   1. The maximum lot coverage is 50%.
   2. Notwithstanding E. 1 above, an additional 5% lot coverage is permitted for community
      buildings.

F. Open Space
   1. A minimum of 100 square feet of common open space per unit is required.
   2. The common open space area shall include usable spaces such as lawn, gardens, patios,
      plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all
      homes having access to it.
   3. Fifty percent of units must have their main entry on the common open space.
   4. All units must be within ten feet of each common open space(s).
   5. The common open space must be located centrally to the development. Passive trails are
      allowed and may count towards the common open space requirement.
   6. Common open space shall have Tiny Homes abutting at least on two sides.
   7. Community buildings or clubhouses are not counted towards the common open space
      calculation. An additional lot coverage of 5% is permitted for community buildings.
8. **Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.**

9. **Space used for setbacks, drive aisles and parking shall not be included in the calculation for common open space.**

**G. Parking**

1. **One parking stall per Tiny Home is required.**

2. **For a development with six or more Tiny Homes the parking ratio shall be 1:6 for visitor parking.**

3. **Where there is an alley and where possible, parking shall be accessed from the alley.**

**H. Utilities**

1. **Tiny Home (multi-family) must be connected to sewer and water.**

2. **One sewer and water connection may be permitted for a total of twelve Tiny Homes provided the Tiny Homes are permanently affordable pursuant to Ch. 18.04.**

**I. Other**

1. **Tiny Homes are not permitted to be used as tourist accommodation (commercial), short term rental, bed and breakfast room (commercial or residential) or the equivalent.**

2. **Open space shall be maintained in accordance with City approved plans.**

3. **Requires Site Plan Review pursuant to Ch. 18.27 and Design Review pursuant to Ch. 18.34.**
Exhibit L

18.22.200 Clustered residential development (CRD).

The following provisions apply to clustered residential development:
A. The minimum lot area shall be 20,000 square feet.

B. Density: 150 percent of the base density for the zone district in which the property is located; provided, that all development standards are satisfied.

C. Balance of site (other than individual lots) shall be in a common ownership tract(s).

D. Habitable space living area (greater than five feet in height) on each lot is limited as follows:
   1. Total square footage in the principal building: 1,400 square feet.
   2. No more than 50 percent of the principal buildings may have more than 800 square feet on the first or main level. All other units are limited to 800 square feet on the first or main level.

E. Lots must abut usable, landscaped common area of at least 15 percent of the total site area.

F. An open porch of at least 96 square feet facing onto the common open space or public street.

G. Setbacks.
   1. Site Perimeter.
      a. Site perimeter abutting a public street: 20 feet, except an unenclosed porch or deck may extend eight feet into this setback for up to 40 percent of the average width of a dwelling adjacent to the public street.
      b. Remainder of Perimeter. The setbacks shall be as follows: no more than 50 percent of the perimeter area: 10 feet, and for the balance of the perimeter the setback shall be 20 feet.
   2. Internal. Five feet; provided, that the perimeter setback still applies if a lot abuts a perimeter lot line.

H. Accessory dwelling units: not permitted.

I. Parking: two spaces per lot is required; may be on the lot or on common tract which is screened from the street; one-third of lots may have parking that backs onto a non-collector public street.

J. CRDs will be processed through the regular plat process or the binding site plan process procedures set forth in Chapter 18.36.

K. Served by public sewer.

L. Subject to the city’s design review requirements for overall CRD site, including common buildings, landscaping, lighting, etc. Individual residential units are not subject to design review.

M. Maximum Lot Coverage.
   1. Total project site: 50 percent.
   2. Individual lots: 60 percent.

N. CRDs are subject to conditional use permit approval in all single-family residential zones. (Ord. 771, 1999)
Exhibit M

Design Review Board

18.34.030 Scope.

A. Design review shall apply to all nonresidential development in the central business, public and neighborhood business zones and certain development in the residential zones including multifamily development, planned unit developments, cottage housing, clustered residential development, Tiny Homes in a multi-family unit development, detached accessory dwelling units, wireless communication antenna arrays, and accessory buildings larger than 1,200 square feet are subject to the provisions of this chapter as set forth in Section 18.22.050(B)(2)(b). Specifically exempt from design review are developments involving one- and two-family dwellings and associated accessory dwelling units and Tiny Homes (single family dwelling or ADU) unless part of a larger project that is subject to design review.
Exhibit N

Administration

18.36.025 Permit applications requiring administrative action by the planning official.

A. The city planning official may administratively approve, approve with conditions, or deny applications for certain land use proposals. Such administrative permit applications are listed below. If an application is found to be consistent with the city’s zoning ordinance, this title, and with other applicable code provisions and city requirements, a certificate of zoning compliance or other appropriate approval shall be issued subject to compliance with public notice requirements.

B. Administrative permit applications requiring notification of application:

1. Bed and breakfast rooms.
2. Short subdivisions.
3. Accessory dwelling units.
4. Shoreline exemptions and shoreline substantial development permits, except those permits where a corollary permit is subject to the quasi-judicial process.
5. Accessory buildings having a gross floor area greater than 1,200 square feet.
6. Tourist accommodations – commercial.
7. Reduction of yard setbacks as provided for in Section 18.22.030(C).
8. Type I site plan review.
9. Boardinghouse

C. Administrative permit applications not requiring notification of application, including but not limited to:

1. Boundary line adjustments;
2. Home occupations not requiring a conditional use permit;
3. Reductions of critical areas buffers as provided for in Section 16.20.070;
4. Critical/sensitive areas review pursuant to Chapter 16.20 requirements;
5. Written code interpretations;
6. Other minor actions (e.g., remodeling existing commercial buildings to accommodate new businesses);
7. New or modified one- and two-family dwellings; and
8. Signs.
9. Accessory dwelling units including Tiny Homes