City of Langley
PLANNING ADVISORY BOARD
AGENDA
April 3, 2019 @ 3 pm
LANGLEY CITY HALL
112 2nd Street, Langley WA

1. Call to Order
2. Approve agenda
3. Approve minutes of March 6, 2019
4. Public Hearing for Ordinance No. 1054 to amend the zoning map
5. Discussion Items:
   a. Short Term Rentals
   b. STR public meeting – Langley Methodist Church Tuesday April 30 at 6 pm
   c. Planning department update
6. New Business
7. Citizen comments
8. Announcements
9. Adjourn

Next Regular Meeting: May 1st at 3 pm
Guiding Principles for Citizen Committees and Boards.

- All advisory board and committee meetings are to be conducted in public session and noticed in accordance with state law, unless otherwise advised by the city attorney.
- Individual committee members and the collective group will be fair, impartial, and respectful of the public, staff, and each other.
- Committee members will respect the limitations of their individual and collective authority. The role of the committee is to advise the city council and/or staff. Please keep in mind that committee appointment does not empower you to make final decisions, unless authorized by state law or the group’s enabling ordinance, or to supervise staff.
- Members will strive to appreciate differences in approach and point of view, whether from each other, the community, the city council, or staff.
- Each member will participate in the group’s discussions and work assignments without dominating the discussion or activity of the committee.
- The committee chair will ensure that all members have a fair, balanced, and respectful opportunity to share their knowledge and perspectives.
- The committee will attempt to reach consensus on issues. If consensus is not possible, strong differing opinions, such as “minority” opinions, should be recorded and acknowledged in the committee’s report to the city council.
- There should be “no surprises” from the committee, either in the nature of the work being undertaken by the committee or the method and timing for conveyance of recommendations to the city council. The staff liaison fulfills an important role in assisting the committee in this regard.

When presenting recommendations to the Council, it is essential that advisory group members keep the following in mind:

- all recommendations should be in written form;
- all ideas should be expressed in clear and concise language;
- proposed solutions should be viable and cost-effective;
- recommendations should identify the reasons for the changes suggested;
- the advice should reflect a consensus of a majority of the group members.
City of Langley
PLANNING ADVISORY BOARD
MINUTES
March 6, 2019
LANGLEY CITY HALL
112 2nd Street, Langley WA

ATTENDANCE
Board: Thomas Gill, chair; JR Fulton; Maralie Johnson, Burt Beusch,
Regrets: Rhonda Salerno, Tucker Stevens
Staff: Brigid Reynolds, Director of Planning; Jill Needham, Planning Assistant
Council: Christy Korrow

1. Call to Order

   The meeting was called to order at 3:00 PM

2. Approve agenda

   The agenda was approved.

3. Approve minutes of February 6, 2019

   JR wished to clarify that he was not in favor of a limit on the number of days per year a
   property could be rented short term. The minutes were corrected as necessary and
   approved.

4. Discussion Items:
   a. Short term rentals

      Brigid reviewed the vision objectives and the categories (Types 1-4) of STRs. She
      suggested revisiting the discussion on whole home rentals.

      JR wished to clarify that owners should be limited to one lot with an STR (but
      not limited to one unit) rather than one rental. He also proposed establishing an
additional tax if possible. However, Seattle proposed an additional tax for STRs but did not adopt it.

Realtor April Sanders was concerned that current owners of multiple STRs would be greatly impacts by a new regulation limiting them to one STR lot. She was also concerned limiting the number of rental days per year would reduce State tax revenues.

Brigid presented a map with the approximate locations of Langley STRs prepared by the compliance company. It showed 64 short term rentals within Langley city limits, although it did not specify how many were unhosted or hosted. It was also noted that VRBO was not included. Out of the 64, only approximately 15 had business licenses in 2017. Sixty-four dwelling units represents 8.4% of all dwelling units in the City. Thomas estimated that about 5% were unhosted. He proposed adopting this number as the “cap” which will grow with the city. If the percentage grew above the cap, revisiting and enforcement would be necessary.

Brigid clarified that “hosted” is intended to mean someone is living in the STR while it’s being rented. A business license would come secondary to receiving approval for the STR use and meeting all other requirements.

She asked the PAB to discuss approaches to “regularizing” existing STRs (both illegal and permitted).

She asked PAB to discuss an owner response time requirement or proximity requirement.

She then posed whether owners should have their STR license revoked after a certain number of incidents. However, the code violation or disturbance would need to be investigated and verified. April suggested implementing a standardized rental agreement complete with a security deposit. Thomas was in favor of a biannual license renewal. Brigid proposed a self-verification system STR operators could fill out upon each renewal of their business license. JR and Thomas supported it.

Brigid mentioned she still needs to research the legality of limiting the number of STR permits. She also mentioned she needs to research the possibility of diverting fees into an affordable housing fund.

Brigid announced that she is proposing to hold a public meeting in late April to discuss STR regulations.

Overall, the PAB achieved common ground on the following issues:

- No duration limit
- Must be fully compliant with the new code and obtain business license
- 1 STR per owner

- Signage max of ≥ 4sf, utilities

- 20 minute response time

Parking was also discussed. JR is a proponent of having no parking requirement for STRs while Brigid believes the code needs to stipulate a parking requirement. Currently the code is general.

b. Public Hearing on zoning map amendment

Brigid announced that there will be a public hearing for the zoning map amendment at the next PAB meeting. This zoning map amendment is a city action to create opportunities for more housing.

c. Fire Inspections LMC Ch. 15.06 (staff report).

Brigid reviewed the staff report and the need for an annual fire inspection on the specific building types including commercial, assembly use, home occupation and so on. Fire inspections were performed in Langley for approximately 3 years in the late 90’s but ceased for a number of reasons. The inspections would be particularly valuable for downtown area, as it contains an abundance of older wooden buildings that share walls.

Brigid has discussed entering into an inter-governmental agreement with South Whidbey Fire, though they are building up their staffing. Some public engagement will be necessary to inform affected property owners.

The staff report contained the following recommendation to Council which was moved and seconded by Thomas Gill and Burt Beusch – That the Department of Community Planning begin the process. vote to recommend this to Council.

All in favor.

5. New Business

There was no new business.

6. Citizen comments

April mentioned she has listened to last week’s City Council meeting and remarked that City Council allows public comments outside of the citizen comment period.

Trilby Coolidge suggested a small edit to the draft vision for STRs for clarity.

7. Announcements

There were no announcements
8. **Adjourn**

   The meeting was adjourned at 4:29 PM

9. **Next Regular Meeting:**

   The next meeting is scheduled for April 3, 2019.
Staff Report

To: Planning Advisory Board (PAB)
From: Brigid Reynolds, Director of Community Planning
Meeting Date: April 3, 2019

Background and Description of Proposal
The City of Langley Comprehensive Plan was adopted in March 2018. Prior to its adoption the PAB began discussing and preparing code amendments in order to begin implementing the Comprehensive Plan. The focus of this work has been to reduce barriers to encourage the construction of new housing. Ordinance No. 1051 was adopted January 22, 2019 and included amendments to facilitate the construction of accessory dwelling units and tiny homes.

The proposed zoning map amendment was initiated as a non-project action in efforts to continue implementing the Comprehensive Plan and more specifically policies to encourage infill housing opportunities. A copy of the proposed Ordinance No. 1054 is included as Attachment No. 1.

Review Process
The Langley Municipal Code (LMC) chapter 18.20.080 states that the Planning Advisory Board is responsible for the review and recommendation to City Council the development or revision of land use regulations, including the zoning code and shoreline master program.

The proposed zoning map amendments were the subject of the May 2, 2018 PAB meeting and a recommendation was made to Council that the amendments proceed to the formal adoption process.

The proposed zoning map amendments were also presented at a public open house held on June 28, 2018 at the Langley Methodist Church. This open house was held to discuss various proposed code amendments related to reducing barriers for the construction of housing in the City. Comments received regarding the proposed zoning map amendments are included in Attachment No. 2.

Public Notification and Comments
The proposed amendments were submitted to the Washington State Department of Commerce for its review in accordance with RCW 36.70A.106 on February 19, 2019. Expedited review was requested and was granted on March 7, 2019.

Notice of the Public Hearing was provided in accordance with LMC Ch. 18.36.020 B and published in the SW Record on March 20, 2019 and mailed to property owners within 500 feet of the subject properties. Four inquiries seeking clarification on the proposed amendments were received. One of these persons indicated support for the proposed amendments and the other three did not indicate support or non-support for the amendments. These comments are included in Attachment No. 2. Any comments
received following completion of the staff report are not included but will be distributed to the PAB at the meeting.

**State Environmental Policy Act (SEPA) Review**

A SEPA Determination of Non-Significance (DNS) was issued on the proposed amendments on February 20, 2019 for this non-project action. Four comment letters were received (See Attachment No. 2).

A summary of the comments and staff responses are outlined in the table below:

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezoning the properties in Exhibit A is not a non-project action.</td>
<td>This is a non-project action as that phrase is used by the Washington Administrative Code (WAC) 197-11-774 and 197-11-704. The proposed amendments are much broader than a single site-specific project. It was initiated by the Planning Advisory Board due to the lack of RM zoned land in the City and lack of available housing. This proposed amendment includes amending the zoning for over 50 lots in the City of Langley. This is a legislative action as the lack of housing impacts the whole City. Future development multi-family applications are subject to site plan review and design review.</td>
</tr>
<tr>
<td>Rezoning the property in Exhibit A to multi-family is inconsistent with the surrounding single-family neighborhood.</td>
<td>The land use designation for all the subject properties as per map LU-10 in the Comprehensive Plan is residential and remains unchanged. The future uses will be residential. The building form will be attached dwelling units. The neighborhood (within a 500-foot radius) is made up of a mix of uses including residential, church, arcade, laundromat, park, and utility building.</td>
</tr>
<tr>
<td>Rezoning the property in Exhibit A to multi-family is a spot zone.</td>
<td>The proposed rezone is not out of keeping with the surrounding area and is in the public interest. The proposed amendment is consistent with the Comprehensive Plan land use designation map LU-10. The neighborhood (within a 500-foot radius) is made up including residential, church, arcade, laundromat, park and utility building. There is a well-documented need for multi-family and affordable housing units shown in a community housing (July 2018), IC Housing Needs Analysis (Nov 2018) and the City’s Comprehensive Plan. The proposed rezone does not result in the private gain of one person or group of owners but benefits the whole community due to the provision of much needed housing units.</td>
</tr>
<tr>
<td>Rezoning the property in Exhibit A will impact to the aesthetics of the ‘bucolic open space and quaint seaside village’ in this location.</td>
<td>Multi-family development is required to undergo a site plan review as well as design review. These reviews will consider all relevant chapters of the code as well as the adopted design guidelines.</td>
</tr>
<tr>
<td>Concern about Increased traffic and no plan to slow down traffic on Third St.</td>
<td>Development cannot be restricted based uncoded subjective aesthetics. But it can be reviewed for compliance with adopted design review standards.</td>
</tr>
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<td>---</td>
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</tr>
<tr>
<td>Rezoning the property in Exhibit A is a gift of public funds to the current owner</td>
<td>The nearest intersection for which a level of service (LOS) is established is at 3rd and DeBruyn and is functioning at LOS ‘A’. According to the Comprehensive Plan the LOS may be reduced to LOS ‘C’ before improvements are required. LMC section. 18.38.030 states that zoning amendments may be initiated by city council, PAB or petition of owners of 51 percent of the area being rezoned. The PAB initiated and recommended these amendments proceed at its May 2, 2018 meeting.</td>
</tr>
</tbody>
</table>

The appeal process for a SEPA determination is provided for in LMC section 16.04.150. The appeal of the final ordinance adopted by the Council is to the Growth Management Board.

**Public Hearing**

The public hearing on this matter is being held in front of the Planning Advisory Board on April 3, 2019. The public hearing shall be held according to LMC section 18.36.060 and generally observe the following sequence of events:

1. Staff presentation including submittal of any staff reports. PAB members may ask questions of staff.
2. Testimony or comments by the public germane to the matter. Questions directed to the staff shall be posed by the chair at its discretion.
3. Rebuttal, response, or clarifying statements by staff.
4. The evidentiary portion of the public hearing shall be closed thereafter and the PAB shall deliberate on the matter before it.

**Findings of Facts and Conclusions of Law**

The following report details recommended Findings of Facts and Conclusions of Law for Ordinance No. 1054 Zoning Map Amendments.

**Recommended Findings of Facts**

1. For the period between 2011 and 2015 the ratio of the median housing value in Langley was almost eight times the median household income, which is the highest in Island County and almost double that of Washington State.
2. 70% of respondents to a 2018 community housing survey stated there are not enough housing options for renters and homeowners in Langley.
3. The same survey results indicated the lack of workforce housing has negatively affected local businesses' ability to recruit and retain employees.
4. Only 5 percent of residentially zoned land is within the Mixed Residential (RM) zone district.
5. Approximately 1.5 acres of land within the RM zone district is suitable for development.
6. The proposed map amendment is being made in two areas within the City, pursuant to LMC 18.38.030 with the purpose of implementing the affordable housing goals and policies of the Comprehensive Plan.

8. As per RCW 36.70a.070 the Comprehensive Plan contains the following specific goals and policies to encourage multi-family housing: LU-4.4 “Higher density development is permitted in single family neighborhoods when integrated in a sensitive manner”, H-2.1 “Expand the areas where multi-family residential housing is permitted”, and H-2.3 “Encourage the distribution of various housing types throughout the city to provide a wide variety of neighborhood settings and avoid undue concentration in particular neighborhoods.

9. The properties shown in Exhibit A are surrounded by a wetland to the south, vacant land to the east and west, and a church and single-family residences and accessory dwelling units to the north. A rezone of these properties to Mixed Residential would be consistent with the surrounding residentially-zoned properties.

10. The properties shown on Exhibit B are surrounded by single family and duplex residences, accessory dwelling units and vacant land to the north, south and east and uses on the properties to the west include the arcade, laundromat, upholstery shop, vacant land, and Whidbey Telephone Company’s utility building.

11. Amending the zoning from RS7200 to RS5000 for the 45 lots on Exhibit B would reduce the minimum lot size. This would enable some owners to apply for boundary line adjustments to create two smaller conforming lots where now only one conforming lot exists.

12. The City of Langley is one of three incorporated jurisdictions in Island County, the only incorporated jurisdiction in South Whidbey and the Growth Management Act (GMA) limits “urban growth” or higher density development to incorporated jurisdictions like Langley with full community services pursuant to RCW 36.70a.110(1)

13. The subject properties to this zoning map amendment are located within a ¼ mile or a 10-minute walk of downtown, a standard measure of walkability.

14. The subject properties to this zoning map amendment are located where City water and sewer services exist thereby making efficient use of existing infrastructure.

15. The existing Level of Service (LOS) for transportation for the nearest intersection at Third Street and DeBruyn Avenue is ‘A’ and the adopted LOS is ‘C’.

16. The development of any multi-family housing is subject to a Site Plan Review and review by the Design Review Board for consistency with the City’s Design Guidelines.

17. The ratio of multi-family residences to single family residences has decreased by 10 percent between 2000 and 2017.

18. The Planning Advisory Board (PAB) at its meetings of May 2, 2018 approved the amendments be forwarded to Council to begin formal adoption proceedings.

19. The City held an open house on June 27, 2018 to receive input into the proposed zoning map amendments and comments relating to the proposed map amendments are located in Attachment No.1.

20. The City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on February 20, 2019 for this non-project action following a review of the proposed map amendments and environmental checklist.
21. Comments were received from five residents as a result of this notice and are included in Attachment No. 2.

22. In accordance with RCW 36.70A.106, the City submitted its zoning map amendments to the Department of Commerce for review on February 19, 2019 and received confirmation from the Department of Commerce on March 7, 2019, of receipt of an expedited notice of review.

**Recommended Conclusions of Law**

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

1. LMC section 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 and zoning map amendments pursuant to LMC 18.36.050.B

3. The rezone proposed complies with the Growth Management Act:
   a. The proposed rezone is consistent with the Land Use Map (LU-10)
   b. The proposed rezone is consistent with the following GMA goals as per RCW 36.70A.480: focusing urban growth in urban areas; reducing sprawl; encouraging affordable housing; retaining open space and habitat areas; and ensuring public facilities and services.
   c. The proposed rezone is consistent with RCW36.70A.070(2)(d) that encourages cities and counties to adopt policies that foster the availability of affordable housing to all economic segments of the population and these policies be implemented by adoption of relevant development regulations.
   d. The proposed rezone serves to advance public health, safety and welfare because it will facilitate the creation of affordable housing units; it does not require the extension of community sewer and water utilities; and will encourage walkability due to proximity to the downtown core.

4. The amendments are consistent with the purposes of the Comprehensive Plan as identified in Finding of Facts item nos. 7 and 8 above and as follows.
   a. The proposed zoning is permitted in the associated land use designations as shown on map LU-10.
   b. The proposed zoning amendment is consistent with the goals of the Comprehensive Plan *promotes livability, is pedestrian oriented and does not increase stress factors such as noise, air pollution and traffic congestion. And will facilitate diverse and affordable housing options that promote innovative styles of development that integrate seamlessly with existing development patterns.*
   c. The Comprehensive Plan adopted in March 2018 outlines a future vision for the City that states:
      i. *New mixed-use, multi-family and single-family housing has been integrated seamlessly into the community in appropriate areas with high quality design that respects the local character and minimizes impacts on critical areas.*
      ii. *The city continues to support a number of non-profit organizations that meet the needs of the local community.*
5. The amendments are consistent with the purposes identified in Title 18 LMC as identified in section 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 by facilitating infill housing construction and provide housing units for people seeking housing within the City of Langley.

6. The amendments are consistent with the LMC section 18.38.030 B. Required Findings:
   a. Consistent with the purposes of the Comprehensive Plan as outlined above.
   b. Consistent with the purposes of this title, as outlined above.
   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. 1 to 5 and 17 above.
   d. Consistent with and compatible with the uses and zoning of the surrounding property as detailed in Finding of Fact No. 9 and 10 above.
   e. Practically and physically suited for the uses allowed by the proposed amendment as detailed in Findings of Fact No. 13 to 15 above.
   f. Benefit to the public health, safety and welfare warrant the rezone as detailed in Findings of Fact No. 1 to 5, 13 to 15 and 17 above.

7. The proposed map amendments conform with zoning standards.

8. The proposed map amendments will not be materially detrimental to uses or property in the immediate vicinity of the subject properties.

9. The proposed map amendments will not reduce the LOS for nearest identified intersection below the current level of ‘A’.

10. The proposed map amendments ensures adequate public facilities and services are likely to be available to serve the development allowed by the proposed zones.

11. The proposed rezone complies with all other applicable criteria and standards in Title 18 LMC.

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

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

Staff Recommendation
Move that following the close of the open record public hearing on April 3, 2019 and discussion by the PAB, the PAB adopt the above findings of fact and conclusions of law and these be forwarded to Council to with a recommendation adopt the findings of fact, conclusions of law, related exhibits, and ordinance no. 1054.
Attachment No. 1

CITY OF LANGLEY

ORDINANCE NO. 1054

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON AMENDING THE
OFFICIAL ZONING MAP TO CHANGE RS7200 TO RM ZONE — MIXED
RESIDENTIAL FOR THE PROPERTIES LOCATED AT 843 THIRD STREET AND
TO CHANGE THE SINGLE AND DUPLEX FAMILY (RS7200) ZONE DISTRICT
TO RS5000 FOR THE PROPERTIES LOCATED BETWEEN FIRST AND FOURTH
AVENUES AND PARK AND DEBRUYN AVENUES, MORE PARTICULARLY
DESCRIBED HEREIN, 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
35A 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 have policies that encourage the
availability of affordable housing to all economic segments of the population; and

WHEREAS, RCW36.70A.040(3)(d), (4)(d) encourages these adopted policies to be implemented
by development regulations; and

WHEREAS, the Langley City Council tasked staff to research housing affordability issues, 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, which is 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, only 5 percent of residentially zoned land is within the Mixed Residential (RM) zone
district; and
WHEREAS, approximately 1.5 acres of land within the RM zone district is suitable for development; and

WHEREAS, the City proposes to rezone two areas within the City, pursuant to LMC 18.38.030 to implement the affordable housing goals and policies of the Comprehensive Plan; and

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

WHEREAS, the amended zoning map amendments set forth herein are deemed to be consistent with the Langley Comprehensive Plan as the land use designations established in map LU-10 of the Comprehensive Plan are residential; 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-1, H-2 and H-4 and Policies LU-4.4, LU-4.8, H-1.1, H-1.2, H-1.3, H-2.1, H-2.2, H-2.3, H-4.1, H-4.3, H-4.4, H-4.5, S-8.1, and UCF-3.4; and

WHEREAS, the Comprehensive Plan contains the following specific goals and policies to encourage multi-family housing: LU-4.4 “Higher density development is permitted in single family neighborhoods when integrated in a sensitive manner”, H-2.1 “Expand the areas where multi-family residential housing is permitted”, and H-2.3 “Encourage the distribution of various housing types throughout the city to provide a wide variety of neighborhood settings and avoid undue concentration in particular neighborhoods; and

WHEREAS, the properties shown in Exhibit A is surrounded by a wetland to the south, vacant land to the east and west, and a church and single-family residences and accessory dwelling units to the north, and a rezone of this property to Mixed Residential would be consistent with the surrounding residentially-zoned properties; and

WHEREAS, a rezone of the properties shown in Exhibit A would allow for higher density development and expand the areas where multi-family residential housing is permitted, implementing the goals and policies of the Comprehensive Plan; and

WHEREAS, the properties shown on Exhibit B are surrounded by single family and duplex residences, accessory dwelling units and vacant land to the north, south and east and uses on the properties to the west include the arcade, laundromat, upholstery shop, vacant land, and Whidbey Telephone Company’s utility building

WHEREAS, the location of existing dwellings and structures as well as vacant properties shown in Exhibit B make it possible to adjust parcel lines to create additional parcels; and

WHEREAS, amending the zoning from RS7200 to RSS000 for the 45 lots on Exhibit B would reduce the minimum lot size and enable boundary line adjustments to existing lots such that additional lots may be created; and
WHEREAS, the City of Langley is one of three incorporated jurisdictions in Island County, the only incorporated jurisdiction in South Whidbey and the GMA limits higher density development to incorporated jurisdictions with full community services; and

WHEREAS, the subject properties to this zoning map amendment are located within a ¼ mile or a 10-minute walk of downtown, a standard measure of walkability; and

WHEREAS, the subject properties to this zoning map amendment are located where City water and sewer services exist thereby making efficient use of existing infrastructure; and

WHEREAS, the development of any multi-family housing is subject to a Site Plan Review and review by the Design Review Board for consistency with the City’s Design Guidelines; and

WHEREAS, the Planning Advisory Board (PAB) at its meetings of May 2, 2018 and August 1, 2018 approved the amendments be forwarded to Council to begin formal adoption proceedings; and

WHEREAS, the ratio of multi-family residences to single family residences has decreased by 10 percent between 2000 and 2017; and

WHEREAS, the proposed rezone is within the public interest and is consistent with the City of Langley’s Comprehensive Plan;

WHEREAS, the City held an open house on June 27, 2018 to receive input into the proposed zoning map amendments; and

WHEREAS, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on February 20, 2019, following review of the proposed code amendments and environmental checklist; and

WHEREAS, in accordance with RCW 36.70A.106, the City submitted its zoning map amendments to the Department of Commerce for review on February 19, 2019, and received confirmation from the Department of Commerce on March 7, 2019, of receipt of an expedited notice of review; and

WHEREAS, after due and proper notice, the PAB held a public hearing April 3, 2019, to accept public comments on the zoning map amendments; 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 April 3, 2019, the PAB issued written Findings of Fact and Recommendation ("Recommendation"), attached hereto as Exhibit C, wherein the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on XXXX, 2018, the City Council in an open public meeting reviewed and supported the Recommendation of the PAB;

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

Section 1. Findings of Facts. The City Council adopts and incorporates the foregoing recitals as findings and conditions as if set forth fully herein.
Section 2. Official Zoning Map Amendments - RS7200 Zone - Residential to RM Zone - Mixed Residential. The City Council adopts the City of Langley official Zoning Map amendments attached hereto as Exhibit A to change the zoning designation of (RS7200) Zone - Residential to RM Zone - Mixed Residential for the properties located at 843 Third Avenue more particularly described as follows:

S8526-00-00001-0  S8526-00-00002-0
S8526-00-00003-0  S8526-00-00004-0
S8526-00-0000A-0

Section 3. Official Zoning Map Amendments - RS7200 Zone - Residential to RS5000 Zone - Residential. The City Council adopts the City of Langley official Zoning Map amendments attached hereto as Exhibit B to change the zoning designation of RS7200 Zone - Residential to RS5000 Zone - Residential for the 45 properties located between the south side of First Street to the north side of Fourth Street and the west side of Park Avenue to the east side of DeBruyn Avenue more particularly described as follows:

S7345-00-03018-0  S7345-00-02014-0  S8313-00-00004-0
S7345-00-03017-0  S7345-00-02013-0  S8313-00-00001-0
S7345-00-03015-0  S7345-00-02012-0  S8313-00-00008-0
S7345-00-03016-0  S7345-00-02011-0  S8313-00-00005-0
S7345-00-03014-0  S7345-00-02004-0  S8313-00-00002-0
S7345-00-03013-0  S7345-00-02005-0  S8313-00-00007-0
S7345-00-03012-0  S7345-00-02006-0  S8313-00-00003-0
S7345-00-03011-0  S7345-00-02007-0  S7345-00-01013-0
S7345-00-03005-0  S7345-00-02008-0  S7345-00-1017-0
S7345-00-03007-0  S7345-00-02009-0  S7345-00-01009-0
S7345-00-03010-0  S7345-00-01020-0  S7345-00-01010-0
S7345-00-03009-0  S7345-00-01019-0  S7345-00-01011-0
S7345-00-02018-0  S7345-00-01018-0  S7345-00-01012
S7345-00-02016-0  S7345-00-01003-0  S7345-00-01001-1
S7345-00-02015-0  S8313-00-00006-0  S7345-00-01002-0

Section 4. 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 5. 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

Rezone the subject properties from RS7200 to Residential Mixed.
Exhibit B
Rezone 45 properties from RS7200 to RS5000

Zoning Key
- RS5000
- RS7200
- RS15000
- Public Use
- Residential Mixed
- Proposed rezone
- Neighborhood Business
Attachment No. 2

COMMENTS

A. Written Comments received from the June 28, 2019 Open House on Feedback Forms

Rezone RS7200 to RS5000

A rezone of two 7200 SF lots to R5000 still is 2 lots. No change. The size should be 14,400/3+4800sf.

Looks Good.

This looks to create a better living environment.

As long as it is consistently enforced and the requirements are clear.

The limited space in Langley is the biggest hurdle to the growth of Langley. In order to maximize our space a certain amount of leaving is necessary. Growth in Langley is coming whether it is wanted or not.

Yes.

RS7200 to Mixed Residential (RM)

Okay for RM. However, limit the rezone to current buildable area. Housing a ‘finger’ of RM out into the field is not good.

Looks good and sounds good.

I hope the community can see the benefits. I support the effort.

I support affordable housing.

Yes.

This absolutely needs to happen if we want to be able to house our workforce. Rent is just going up and those are not rich retirees need a place to live.

B. Comments received as a result of the Public Hearing Notice

2/25/2019: Homeowner of 436 6th St called to clarify which properties in her vicinity were being rezoned as the colors on the map were unclear. The homeowner spoke with Jill Needham and stated she supported both Exhibit A and Exhibit B.

2/25/2019: A nearby property owner came in to ask which properties were being rezoned. Jill Needham printed a copy of both Exhibit A and Exhibit B to give her and explained the intent behind both rezones. It was unclear whether she supported the proposal or not.
3/21/2019: A nearby property owner came in to ask for clarification about the rezoning. Brigid Reynolds discussed the proposed amendments. It was unclear whether they supported the proposal or not.

3/26/2019: Email received from Kay Lagerquist
Tim,
What does mixed residential zone allow that R57200 doesn't allow? I can't tell from this map you sent out what is really happening. I see the two properties on 2nd and the one for Habitat for Humanity but is that all that is happening?
It looks like the properties above Park St on 1st, 2nd, 3rd are being rezoned also. Is that right?
Confused, Kay

3/28/2019 Email received from Emmy Atwood
Hello, Brigid.
I am writing in response to the notice of the planning advisory board open record public hearing scheduled for April 3rd, 2019. I will be submitting written comments as part of a multi-family memo, prior to the April 2nd deadline. Unfortunately, the public hearing is scheduled during the School District spring break (April 1-5) so my family is unable to attend. I am aware of at least 3 additional families with school-age children who also live in close proximity to the properties in question, and are unable to attend the hearing due to spring break plans.
Thank you for your consideration,
Emmy Atwood
360-914-7004
401 Minnie Lane

C. Comments received as a result of the SEPA Notice and are verbatim

Three years ago we bought our property with full understanding of the “zone” we were buying into. We were also reminded of the restrictions when we applied for our building permit. So it comes as a surprise to hear that this one little spot on the map (843 3rd St) is being considered for rezoning, while the properties around it are staying the same. We’ve been seeing marketing material by Habitat For Humanity touting this kind of project now for some time, making it impossible to consider this a “non-project action”. This project will sit amidst a neighborhood of single family homes and will be the only one who benefits from this change. My concern is that the city of Langley appears to be catering to a large institution. This may look good for the city (and those involved in the administration) in the short term but it’s an uncomfortable precedent to set for the future.

We are not against affordable housing in this community, but there’s no reason why they can’t operate within the established zoning and restrictions that all in the neighborhood adhere to as well. We strongly ask that you remove Exhibit A: S8526-00-00001-0, S8526-00-00002-0, S8526-00-00003-0, S8526-00-00004-0, and S8526-00-0000A-0: from the zoning amendment proposal issued to us on 2/20/19.

Amos & Lora Morgan (rcvd 3/5/2019)
Dear Ms. Reynolds,

I oppose the rezoning of the 843 3rd Street. I support the development of this property under the current zoning classification only. Please remove Exhibit A: S8526-00-00001-0, S8526-00-00002-0, S8526-00-00003-0, S8526-00-00004-0, and S8526-00-0000A-0 from the zoning amendment proposal.

Rezoning from RS7200 to Residential Mixed (RM) would allow for Multifamily Development. This action, in this particular plot of land within Langley:

1. Will be spot zoning
2. Will serve the interest of a single entity
3. Will be a gift of public funds
4. Will compromise the bucolic entrance to Langley
5. Is not consistent with the neighborhood
6. Will not solve an unmet need in Langley

1. Spot zoning commonly defined as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners”. (www.plannersweb.com). This describes exactly what we perceive as being proposed here.

2. Habitat For Humanity has publicly stated its intention to develop a multifamily capacity at this property, but such action would be require rezoning. This narrative is in writing and has been discussed openly by Habitat staff at City of Langley sponsored Open Houses, like the one at the Methodist Church in 2018.

3. A single family zoned property is not valued the same as a Residential Mixed zoned property. Rezoning this single plot would be a gift of public funds to the current owner. Had the property been zoned RM for the (approximately 5) years it was for sale on the market, any interested investor or developer could have acquired it accordingly based on market value.

4. 834 3rd Street on the wide bend at the west entrance to Langley. From here the view opens to the Fossek Farm to the south and the Mt Pilchuck and the Cascades to the east. The aesthetic of bucolic open space and quaint seaside village is reinforced at this junction, and a potential multifamily development threatens to compromise this aesthetic.

5. Residential Mixed zoning is not consistent with the surrounding area and we do not perceive it as necessary at the entrance to Langley. This neighborhood is made up of a working farm, preserved wetlands, and single family homes. RM is not consistent with the neighborhood.

6. If greater density or affordable housing is desired plenty of other properties have been available in and around Langley that can serve that need. Singling out this single plot is not the appropriate course of action.

Kind regards,
Bob Gunn  
840 3rd Street, Langley WA 98260 (rcvd 3/6/2019)

Brigid - I respectfully request that you remove the following 5 parcels from the Nonproject DNS.

S8526-00-00001-0, S8526-00-00002-0, S8526-00-00003-0, S8526-00-00004-0, and S8526-00-0000A-0

WAC 197-11-774 defines a nonproject action as – “Nonproject” means actions which are different or broader than a single site specific project, such as plans, policies, and programs (WAC 197-11-704).

While zoning amendments in themselves can qualify as nonproject actions, inclusion of these parcels has a goal of providing a means of accomplishing a project specific goal known by the city and one which the property owner advertised on site.

This is not an area wide rezone and clearly the inclusion of the Habitat for Humanity parcels is related to enable a known “single site-specific project” which might not be able to be approved in its advertised form without the rezone. This rezone is specifically being proposed to facilitate a known future project action.

This request should not be interpreted to be unsupportive of the broad goals and objectives of Habitat of Humanity. The rezoning of this property should be reviewed concurrently with a specific project.

Larry Kwarsick  
PO Box 581  
Langley, WA 98260  
(360) 661-1776 (rcvd 2/25/2019)

City of Langley (Lead Agency),

Appeal and Comment related to DNS Zoning Map Amendments (Date issued 2/20/2019)

Regarding Exhibit A: S8526-00-00001-0, S8526-00-00002-0, S8526-00-00003-0, S8526-00-00004-0, and S8526-00-0000A-0:

This is clearly not a "non-project action". Large advertisements are currently posted on these lots with detailed project photo's suggesting a Habit for Humanity project. The intent to rezone these lots for a Habit for Humanity Project was even sighted by the lead agency at a planning committee open house.

My concern is this: I have contacted Habit for Humanity and Saratoga Community Housing by email and phone on multiple occasions at the recommendation of the Lead Agency. I have to date had no response over the last two years from these organizations. As a community member, this concerns me. As a result I have very little faith that this international company is willing to get involved in our small community to explain their intentions and get community approval. It is to bad because I am in support of affordable
housing but not if the community is not allowed to be involved in the process. For this reason it is my belief that the rezoning of this property should be reviewed concurrently with the specific project (Habitat for Humanity) after the community has an opportunity to offer comments to the overall detailed plans.

Regarding exhibit A & B: I also don't support further density amendments (exhibit A & B within the city of Langley without a plan for slowing down vehicles entering Langley from the 3rd street entrance. The current plan does not seem to be working.

With respect,
Paul Samuelson
834 3rd Street
Langley Wa
206.396.7887 (rcvd 2/27/2019)
Short term rental summary  
PAB meeting 4/3/2019

STR types and approval process

<table>
<thead>
<tr>
<th></th>
<th>STR - Type I</th>
<th>STR - Type II NEW</th>
<th>STR - Type III</th>
<th>STR - Type IV (Commercial)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of use</strong></td>
<td>Accessory or Secondary</td>
<td>Principal</td>
<td>Principal</td>
<td>Accessory or Secondary</td>
</tr>
<tr>
<td><strong>Zone</strong></td>
<td>RS5000, RS7200, RS15000 and RM</td>
<td></td>
<td></td>
<td>NB, CB</td>
</tr>
<tr>
<td><strong>Number of bedrooms</strong></td>
<td>2 bedrooms max In DU or ADU</td>
<td>Whole home and ADU – max 5 bdrms Duplex – one unit only</td>
<td>Whole home and ADU – max 5 bdrms Duplex – one unit only</td>
<td></td>
</tr>
<tr>
<td><strong>Number of guests</strong></td>
<td>Two adults and child &lt; 6 years per legally established bedroom. The maximum number of guests is 10 in STR II and III</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Duration</strong></td>
<td>No limit</td>
<td>No time limit. Limited number of permits.</td>
<td>No limit</td>
<td>No limit</td>
</tr>
<tr>
<td><strong>Management structure</strong></td>
<td>Hosted</td>
<td>Unhosted.</td>
<td>Hosted</td>
<td>Unhosted</td>
</tr>
<tr>
<td><strong>Approval process</strong></td>
<td>Administrative/notice</td>
<td>Hearing Examiner/notice</td>
<td>Hearing Examiner/notice</td>
<td>Administrative/notice</td>
</tr>
<tr>
<td><strong>Inspections</strong></td>
<td>Initial application - inspection Annual confirmation by self-reporting, i.e. signed affidavit for fire, insurance, building</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Utilities</strong></td>
<td>Residential</td>
<td>Commercial</td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td><strong>Septic</strong></td>
<td>Confirmation of IC septic permit and # of permitted bedrooms</td>
<td>Not permitted on septic</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Inspection Fees (once only)</strong></td>
<td>Base it on actual cost</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>All parking located on the subject property. One parking stall per bedroom being rented and where hosted two parking stalls for the owner/resident manager.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STR Type I (hosted) – most similar to existing Bed and Breakfast Room ([LMC 18.22.070](#))

STR Type II (unhosted) – NEW Maximum number of permits issued. TBD.

STR Type III (hosted) – most similar to existing Bed and Breakfast Inn ([LMC 18.22.080](#))

STR Type IV – most similar to tourist accommodation commercial ([LMC 18.22.085](#))

Exemption for owners who rent their own residence for a max of 30 days/year.
SUMMARY

Building code and inspections – Inspection required with initial application and annual confirmation with business license

Business license – owner/operator and manager

Food license if necessary

One STR permitted per owner

Offsite management – 20-minute response

Type I and II home occupation permitted in hosted STR

Nuisance – no events, noise ordinance referenced

Parking – 2 per SFD and 1 per each room rented. If not on site provide confirmation of alternative locations.

Sign – ≥ 4 sf, non-illuminated

Utilities – Limit when on septic, septic permit required, commercial rates for all except for STR Type I

Establish the process to regularize existing permitted STRs.

Violations – 2 cited complaints in a 12month period or operating without approval or operating multiple STRs. Permit revoked and no permit will be issued for period of two years.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 3</td>
<td>PAB meeting</td>
</tr>
<tr>
<td>April</td>
<td>Legal review</td>
</tr>
<tr>
<td>April 30</td>
<td>Public meeting</td>
</tr>
<tr>
<td>May 1</td>
<td>PAB confirm final draft of new code</td>
</tr>
<tr>
<td>May</td>
<td>Submit to Dept of Commerce for review. Request expedited review (10 days vs 60 days)</td>
</tr>
<tr>
<td>May</td>
<td>SEPA determination (14 day)</td>
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<tr>
<td>May</td>
<td>Island tourism board</td>
</tr>
<tr>
<td>June 5</td>
<td>PAB Public hearing</td>
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<tr>
<td>June 17</td>
<td>1st reading</td>
</tr>
<tr>
<td>July 1st</td>
<td>2nd reading</td>
</tr>
</tbody>
</table>

STR Helper contract timing to be confirmed

Schedule Hearing Examiner for application hearings
Join us for a public meeting on Short Term Rental Regulations

The City of Langley Planning Advisory Board is holding a public meeting to receive your input on proposed Short-Term Rental (STR) regulations.

Tuesday, April 30th
6:00 PM at Langley Methodist Church

For more information, please contact Brigid Reynolds | 360.221.4246 | 112 Second Street | planning@langleywa.org