City of Langley  
PLANNING ADVISORY BOARD  
AGENDA  
May 1, 2019 @ 3 pm  
LANGLEY CITY HALL  
112 2nd Street, Langley WA

1. Call to Order  
2. Approve agenda  
3. Approve minutes of April 3, 2019  
4. Discussion Items:  
   a. Short term rentals  
      i. Open house follow-up  
      ii. STR code discussion  
   b. Comprehensive Plan annual amendment application time frame (staff report)  
5. New Business  
6. Citizen comments  
7. Announcements  
8. Adjourn

Next Regular Meeting: June 5, 2019
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
APRIL 3, 2019
LANGLEY CITY HALL
112 2nd Street, Langley WA

ATTENDANCE
Board: Thomas Gill, chair; JR Fulton; Rhonda Salerno via Skype; Burt Beusch; Maralie Johnson
Regrets: Tucker Stevens
Staff: Brigid Reynolds, Director of Planning; Jill Needham, Planning Assistant
Mayor Tim Callison
Council: Christy Korrow, council liaison; Dominique Emerson

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
   
   The minutes of March 6 were approved.

4. Public Hearing for Ordinance No. 1054 to amend the zoning map
   
   The Chair, Thomas Gill opened the public hearing at 3:10 pm. He reviewed the meeting process for the record.
   
   Brigid Reynolds, Director of Community Planning, presented the staff report, findings of fact and conclusions of law for the proposed ordinance, as well as staff’s recommendation.
   
   Following this presentation, the chair opened the floor to public comment. These minutes reflect a summary of the public hearing comments and are not verbatim.
Gary Wray of Coupeville shared that he is on the board of Habitat for Humanity and works in the housing industry. He stated that there is a housing crisis in Island County and that the city needs to grow and density is a better alternative to sprawl. He noted that Island County has very different demographics than the rest of the state. Because of the high proportion of vacation homes and low proportion of jobs per dwelling unit, affordable housing is needed even more in Langley.

Robin Black of Second Street shared that she lived on one of the lots proposed to be rezoned to RS5000. She stated that the City needs to support people who work here and to support affordable housing efforts. She supports the rezone.

Larry Kwarsick of 350 Minnie Ln expressed opposition for the rezone to RM. He mentioned he was representing his family and others on Minnie Ln. He also submitted a letter that details his concerns. He claims this action does not qualify as a non-project action and that the density allowed in RM would not be appropriate for the site, though he was clear that he did not oppose Habitat for Humanity and affordable housing. The current land use map in the Comprehensive Plan reflects current land uses and not future land uses. He noted that development regulations must be consistent with the future land use map. He also stated that the Comprehensive Plan does not give any specific guidance as to where multi-family should be located within the City. He outlined the process that was undertaken regarding the original proposal and some of the issues related to that. He expressed concern that if the property does get rezoned to multi-family and the current owners don’t proceed with development then any future owner could develop multi-family units here.

Michaleen McGarry of Brooks Hill Rd mentioned that a similar 30-unit affordable housing project was recently completed near her old home in Freeland. Though many were opposed, she said the project was ultimately a success and the units are well kept.

Amos Morgan of Third Street also wrote a letter detailing his concerns and reiterated them for the PAB. He worries this process is setting a dangerous precedent and that the proposed development is short-sighted. He stated he was told he could build only single family or a duplex on his lot.

Jim Anderson of Langley Rd mentioned he is a former member of the PAB. He claims they always gave due process to reviews. He opposed the development of the site due to the proximity of critical areas and its location in the “gateway” to Langley. He believes that Habitat would be given greater leeway than a private citizen or developer. As a property owner, he would like the city to allow more boundary line adjustments and short plats in order to facilitate more housing. He also mentioned the cottage housing and ADU code has worked well.

Following the public comments, the chair asked PAB members for comments.

JR Fulton acknowledged that the site is tough, but the design fits the scale of existing development. He expressed that it would be an excellent form of “missing middle” housing that Langley so desperately needs.
Burt Beusch had no comment.

Rhonda Salerno desired to pass it on to Council.

Maralie Johnson had no comment.

Thomas indicated he understood the concerns of spot zoning. He mentioned that it appears as special treatment because it is for affordable housing which does get special treatment. He reiterated that Council will make the final decision.

Burt asked about the drawings included in Larry’s letter. Larry Kwarsick clarified that the drawing was a conceptual drawing from the Habitat for Humanity’s website and the other drawings were those for the original Meadow’s PUD. He acknowledged that the drawings don’t represent any actual submission.

Gary Wray clarified that Habitat is proposing three duplexes and one single family unit. Brigid clarified that any multi-family development is subject to a site plan review and design board review.

The public hearing was closed at 3:55 pm.

Rhonda Salerno moved and Maralie Johnson seconded the motion that the PAB adopt the findings of fact and conclusions of law and recommend to Council to adopt the findings of fact, conclusions of law, related exhibits, and ordinance no. 1054.

All in favor.

5. Discussion Items

a. Short Term Rentals

Brigid reviewed the report and past discussions.

Thomas liked the required 2 stalls for each dwelling unit and 1 additional for each bedroom. JR preferred no additional parking stalls.

Burt noted that limiting 1 STR per owner was not on the fact sheet. He was curious how current owners of multiple STRs would be dealt with.

Nancy Opfer of Sunrise Lane conveyed that 1 parking stall per STR is too many, especially for families that may arrive together.

Dominque suggested limiting the number of STRs per block. Brigid responded that that would be too difficult to enforce and become a burden on staff resources. Mayor Tim liked limiting STRs to one per owner would be easier on staff and resources.

It has been established that Airbnb and other giants in the industry do not always conform to state and municipal codes. JR proposed large fines. Possibly $5000? The board will continue their discussion following the open house on April 30th.
Mayor Tim suggested publishing all STR applications in the City Council agendas so that neighbors would be aware of future STRs, similar to the liquor license process.

b. STR Open House

Brigid announced that the PAB will host an open house on April 30 at 6:00PM at Langley Methodist Church. A hotel/motel representative and a STR/property management representative would be ideal to have in attendance.

c. Planning Department Update

The first phase of the wayfinding signs has been put up. Contracts have been signed for Phase II and the signs are expected later in 2019.

Jill has been working on trail connections with POS.

Brigid has been working on 2 enforcement issues as well as a 4 lot short plat on Sandy Point Road.

6. New Business

There was no new business.

7. Citizen comments

There were no citizen comments.

8. Announcements

There were no announcements.

9. Adjourn

The meeting was adjourned at 4:35 PM.

10. Next Regular Meeting:

The next meeting is scheduled for May 1, 2019.
City of Langley
SHORT TERM RENTALS

The vision and objectives were used by the PAB to assist in guiding the review.

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.
- All short-term rental operators and operations comply with the City and State Codes.
- The City enforces unauthorized short-term rentals.

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.
### SUMMARY TABLE

#### PROPOSED SHORT TERM RENTAL REGULATIONS

<table>
<thead>
<tr>
<th></th>
<th>STR - Type I Rooms</th>
<th>STR - Type II B&amp;B Inn</th>
<th>STR – Type III Commercial</th>
<th>STR – Type IV Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current LMC</strong></td>
<td>B&amp;B Rooms LMC 18.22.070</td>
<td>B&amp;B Inn LMC 18.22.080</td>
<td>Tourist Accommodation Commercial LMC 18.22.085</td>
<td>NEW</td>
</tr>
<tr>
<td><strong>Type of use</strong></td>
<td>Accessory or Secondary</td>
<td>Principal</td>
<td>Principal but not on 1st fl or street level in CB zone</td>
<td></td>
</tr>
<tr>
<td><strong>Zone</strong></td>
<td>RS5000, RS7200, RS15000 and RM</td>
<td>Neighborhood Business, Central Business</td>
<td>RS5000, RS7200, RS15000 and RM</td>
<td></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 6 bdrms</td>
<td>Whole home and ADU – max 5 bdrms</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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Residential Requirements</strong></td>
<td>Hosted</td>
<td>Hosted</td>
<td>Non-hosted</td>
<td>Non-hosted</td>
</tr>
<tr>
<td><strong>Approval process</strong></td>
<td>Administrative/notice</td>
<td>Hearing Examiner/notice</td>
<td>Administrative/notice</td>
<td>Annual STR license</td>
</tr>
<tr>
<td><strong>Inspections</strong></td>
<td>Initial application - inspection</td>
<td></td>
<td>Annual confirmation</td>
<td></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>Not permitted on septic</td>
<td>Confirmation of IC septic permit and # of permitted bedrooms</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>
SHORT-TERM RENTAL

Short-Term Rental Type I – Rooms
1. STR Type I is hosted and the owner/operator shall reside on-site when guests are present.
2. The number of guest rooms shall be limited to no more than two.
3. Is permitted as an accessory or secondary use in all residential zone districts.
4. Is approved by the Planning Official pursuant to LMC 18.36.025.
5. Approvals are not transferable.

Short-Term Rental Type II – B&B Inns
1. STR Type II is hosted and the owner/operator shall reside on-site when guests are present.
2. The number of guest rooms shall be limited to no more than six.
3. Is permitted as a principal (conditional) use in all residential zone districts.
4. Is approved by the Hearing Examiner pursuant to LMC 18.37.070
5. Approvals are transferable.

Short-Term Rental Type III - Commercial
1. STR Type III may be hosted or non-hosted.
2. Is permitted as a principal use in the commercial zone districts
3. In the CB zone short term rental use is not permitted on the first floor and/or street level of the building.
4. Is approved by the Planning Official pursuant to LMC 18.36.025
5. Approvals are not transferable.

Short-Term Rental Type IV – Limited
1. STR Type IV may be non-hosted
2. The number of guest rooms shall be limited to no more than five.
3. Is permitted in all residential zone districts.
4. Is approved by the Planning Official pursuant to LMC 5.40
5. Is approved as a license and is valid for one year.
6. A maximum number of this type of license will be issued each year.
SHORT-TERM RENTAL
GENERAL REGULATIONS

This section provides supplemental standards for short-term rentals in zoning districts where the use is permitted.

The following conditions shall apply to short-term rentals:

1. No short-term rental shall operate without having obtained prior approval pursuant to the LMC XXX and a business license in accordance with Chapter 5.XXX.
2. Guest rooms may be located in the principal dwelling unit and/or an accessory dwelling unit.
3. One guest room may accommodate a maximum of two adults and children under the age of six years.
4. In addition to the parking requirements for a single-family residence, one off-street parking space shall be required for each guest room.
5. In residential zone districts, one non-illuminated sign not exceeding four SF is permitted. In commercial zone districts, one non-illuminated sign not exceeding eight SF is permitted.

Health and Safety:

6. All short-term rentals shall comply with requirements of adopted building codes for smoke and carbon monoxide detectors and egress windows in all guest rooms. The operator shall maintain a functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress route, as approved by the building official. The means of egress route shall be posted in each guest room in readily visible location.
7. All guest rooms shall meet the building code requirement for a sleeping room at the time it was created or converted and shall be within a building approved for habitation by the Building Official.
8. In residential zones, onsite meals and beverages may be served to room guests and their guests only. Food service, if provided, shall comply with Island County Health Department rules and permitting.
9. For properties not served by City sewer, the total number of bedrooms shall be limited to the number of bedrooms permitted by the Island County health department on-site septic permit.

Nuisance:

10. The use a residential unit for a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.
11. Events or commercial functions are prohibited in any STR in a residential zone district.
12. Small, informal non-commercial gatherings of family and friends of short-term rentals guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood.
13. Short-term rentals located in or adjacent to residential zone district shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.
14. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR rental contract and posted within the STR unit in a prominent place within 10 feet of the door.
Restrictions

15. Where the dwelling unit is a duplex building only one STR is permitted.
16. The ownership and operation of short-term rentals in residential zoned districts are limited to no more than one per individual, family living together, domestic partnership, those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit. Assigning ownership and/or application for short-term rental use to separate any individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.
   a. An operator may be a principal, spouse or registered domestic partner or a principal in a no more than one short-term rental permit issued pursuant to this section.
   b. A maximum of one Type I, II, or IV short-term rental permit is permitted per operator.
   c. A long-term tenant who has signed a lease may serve as a short-term rental operator. The property owner must serve as a co-applicant on the tenant's application. A tenant's short-term rental permit counts toward the permit cap of one short term rental permit for both tenant and property owner.

Management

17. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR rental contract and posted within the STR unit in a prominent place within 10 feet of the door.
18. For non-hosted STRs, a property manager shall be available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. The property manager must be available to respond to complaints and arrive at the STR site within 20 minutes at all times during the rental period.

Home Occupation Use

19. A Type I or II Home Occupation may be permitted on the same property as a hosted Short-Term Rental.
DEFINITIONS

“Events or commercial functions” include banquets, parties, weddings, meetings, charitable fund raising, commercial or advertised activities or gatherings for direct or indirect compensation.

“Guest” means the overnight occupant(s) renting the short-term rental for a specified period of one day and no longer than thirty days, and the visitors of the overnight occupants.

‘Hosted short term rental’ means a short-term rental where the owner with the majority interest in the residential property, or an owner holding an equal shared interest if no other owner owns a greater interest, occupies the dwelling unit or accessory dwelling unit as his or her principal residence and offers the dwelling or a habitable person thereof for the short-term rental by others, and is present during the occupancy.

“Non-hosted short-term rental” means a dwelling unit, accessory dwelling unit or portion thereof, that is offered as a short-term rental where the owner or shared ownership interest does not occupy the dwelling or ADU offered for short-term rental.

“Owner” means any person who, alone or with others, has title or interest in any building property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner. (Seattle)

“Person” means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns. (Seattle)

“Primary residence” means a person’s usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, pay check stubs, lease or rental agreement, mortgage agreement, bank statements, driver’s license, valid state identification, and/or vehicle registration. (Seattle)

“Property managers” means a person or company responsible for the day to day operation of the STR. Property managers may be professional property managers, realtors, property owners or other designated persons. Property manager information must be kept up to date and must be identified on the STR license.

“Short-term rental” means a lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof or ADU is provided to guests by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for 30 or more consecutive nights is not a short-term rental.

“Short-term rental operator” or “operator” means any person who is the owner of a dwelling unit or portion thereof, who offers or provides that dwelling unit, portion thereof, or ADU for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short-term rental as set forth in LMC XXX.
Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Date: May 1, 2019

Purpose
To confirm the schedule for Comprehensive Plan amendments and proposed public participation process for the 2019 review.

Background/Discussion
RCW 36.70A.130 requires local governments to review and revise their Comprehensive Plan on an eight-year cycle. It also grants the authority to amend the Comprehensive Plan on an annual basis.

LMC Chapter 18.21 provides some guidance as to how amendments to the Comprehensive Plan may be considered by PAB and Council. It also establishes the minimum application requirements.

In 2018 the PAB and Council established the June 1 to August 15 timeframe for amendment applications to be submitted. While the Comprehensive Plan was adopted on March 5, 2018 there may be specific property issues that were not addressed during that process that property owners would like an opportunity to resolve.

RCW 36.70A.035 and RCW 36.70A.140 details requirements to establish a public participation program for any Comprehensive Plan amendment process. This time line is aspirational and subject to change depending on the complexity of any one proposal.

Attachment No. 1 outlines a public participation process for the PAB’s consideration.

Staff Recommendation

That the PAB recommend the Comprehensive Plan amendment application schedule from June 1st to August 15th and the proposed public participation plan and time frame.
The time line below is approximate and will depend on the complexity of the any one application or proposal.

**Announcement end May**

Post notices on the City website, Mayor’s newsletter and notice boards – City Hall kiosk, library and post office,

Press release

Newspaper notice

Inform all City Commissions

**Application deadline August 15th**

Additional information will be requested of applicants as applications are received and this information must be received no later than September 15th.

Applications reviewed at PAB – October meeting

Public meeting held to discuss applications received – PAB’s November meeting

PAB final review and recommendations to Council – PAB’s December meeting

Council review - December

Prepare draft ordinance – December/January

**Adoption process**

SEPA determination and notice – January 2020

Department of Commerce submittal – request expedited review

PAB Public Hearing – February

Council review and consideration of adoption – March