AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, AMENDING TITLE 18 OF THE CITY OF LANGLEY MUNICIPAL CODE BY AMENDING CHAPTER 18.01 RELATING TO DEFINITIONS, AMENDING CHAPTER 18.09 RELATING TO ALLOWED LAND USES, AND BY AMENDING CHAPTER 18.22 RELATING TO SHORT-TERM RENTALS AND PARKING; AMENDING CHAPTER 18.36 RELATING TO APPROVALS; AMENDING CHAPTER 13.01.460 RELATING TO WATER RATES; AMENDING CHAPTER 13.50.320 RELATING TO SEWER RATES; AMENDING TITLE 5 BY ADDING A NEW CHAPTER 5.40 RELATING TO LICENSING OF SHORT-TERM RENTALS; AMENDING CHAPTER 3.20 RELATING TO TRANSIENT OCCUPANCY TAX; AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Title 18 of the Langley Municipal Code (LMC) is intended to implement the Comprehensive Plan and generally service the public health, safety and welfare of the City of Langley; and

WHEREAS, Chapter 18.19 LMC contains general provisions for the regulations of land use and development for the City of Langley, including definitions; and

WHEREAS, Chapter 18.09 contains zoning regulations for allowed land uses within the City, including transient accommodation uses such as hotels, motels, bed and breakfast rooms and bed and breakfast inns, and Chapter 18.22 contains regulations for the establishment and operation of bed and breakfast rooms and bed and breakfast inns; and

WHEREAS, regulations for transient accommodation have not been critically reviewed or comprehensively updated for more than twenty years; and

WHEREAS, Title 5 LMC is intended to regulate certain business activities through business licensing; and

WHEREAS, the Comprehensive Plan policy ED – 4.1 states “review and update the LMC regarding tourist accommodation and short-term rentals”; and

WHEREAS, there has been an increase in privately-owned residential dwellings being used as short-term rentals in the City of Langley. Online short-term rental platforms such as Airbnb, VRBO, Tripadvisor and others have become an increasingly popular means to market homes available for short-term rentals; and

WHEREAS, unregulated short-term rentals introduce the possibility for adverse consequences including a reduction in affordable housing and the commercialization of residential neighborhoods; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and
WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Langley residents and workers; and

WHEREAS, limiting the number of non-hosted short-term rental properties operating in the City is in the public interest to conserve limited housing resources and protect Langley’s community character; 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, 54% of respondents to the aforementioned community housing survey stated they are favor of placing more restrictions on short-term rentals; and

WHEREAS, short-term rentals provide a benefit to the City by expanding the number and type of lodging facilities and will provide increased lodging tax revenue to the City; and

WHEREAS, the City Council finds that lodging uses are important to the local economy and appropriate under certain conditions but that the rights of property owners to use their property for economic benefits should be balanced with the rights of property owners to enjoy the comfort and repose of residential neighborhoods; and

WHEREAS, the City Council finds that the short-term rental uses that fail to follow the City’s permitting standards may place them at an unfair advantage to legitimate lodging uses; and

WHEREAS, the City Council was sufficiently concerned that the current permitting requirements and zoning regulations for short-term rentals may not adequately serve the community’s that it establishes a six-month moratorium on the permitting and establishment of Bed and Breakfast Rooms and Bed and Breakfast Inns in residential zone districts with Ordinance 1047 on July 16, 2018, to provide additional time to review and update the regulations; and

WHEREAS, the City Council extended the moratorium on the permitting and establishment of new Bed and Breakfast Room and Bed and Breakfast Inns in residential zone districts with adoption of Ordinance 1052 on January 22, 2019 to provide additional time to review and update the regulations; and

WHEREAS, the City Council finds it appropriate to review and update development regulations from time to time to ensure that such regulations are understandable, consistent with current federal and State law and the current and future circumstances of the City, and enforceable; and

WHEREAS, the City establishes a limit on the number of short-term rentals type IV licenses (non-hosted, whole home) in order to preserve Langley’s community character and to minimize the potential adverse impacts of this use in residential neighborhoods; and

WHEREAS, the number for short-term rental type IV licenses to be issued on an annual basis is based upon the number of unpermitted non-hosted whole home short-term rentals that were operating prior to the adoption of Ordinance 1047 (short-term rental moratorium) in July 2018: and

WHEREAS, the Langley Planning Advisory Board over the course of thirteen meetings in 2018 and 2019 studied other jurisdictions response to short-term rentals, reviewed the current LMC provisions applicable to short-term rentals and provided opportunities for community input; and
WHEREAS, the Langley Planning Advisory Board held a publicly noticed meeting on April 30, 2018 to present a draft framework of the proposed draft code amendments and receive input into the proposed code amendments; and

WHEREAS, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on May 17, 2019, following review of the proposed code amendments and environmental checklist; and

WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the health, safety, and welfare of the general public; 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 May 15, 2019, and received confirmation from the Department of Commerce on May 15, 2019, of receipt of the required notice; and

WHEREAS, after due and proper notice, the Planning Advisory Board held a public hearing on Wednesday June 5 to accept public comments on the code amendments. Over XXXX 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 XXXX, 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 XXXX, 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 3.20, Amended. Langley Municipal Code 3.20 is hereby amended to read as is attached hereto as Exhibit B.

Section 3. Ch. 5.40 LMC, Amended. Langley Municipal Code Chapter 5.40 is hereby adopted to read as is attached hereto as Exhibit C.

Section 4. Ch. 13.01 LMC, Amended. Langley Municipal Code Chapter 13.01 at subparts 460 is hereby amended to read as is attached hereto as Exhibit D.

Section 5. Ch. 13.50, LMC, Amended. Langley Municipal Code Chapter 13.50 at subparts 320 and 340 is hereby amended to read as is attached hereto as Exhibit E.

Section 6. Ch. 18.01.040 LMC, Amended. Langley Municipal Code Chapter 18.01.040 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 as Exhibit G hereto, which is incorporated herein by reference.

Section 8. LMC 18.22.070 to .085, Adopted. Langley Municipal Code 18.22.070 to .085 is hereby repealed and replaced to read as is attached hereto as Exhibit H.
Section 9. LMC 18.22.130, Amended. Langley Municipal Code 18.22.130 is hereby amended to read as is attached hereto as Exhibit I.

Section 10. LMC 18.36.025, Amended. Langley Municipal Code 18.22.025 is hereby amended to read as is attached hereto as Exhibit J.

Section 10. 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 11. 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 12. 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

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Michael R. Kenyon, City Attorney

ATTEST

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Debbie L. Mahler, City Clerk