City of Langley
PLANNING ADVISORY BOARD
AGENDA
FEBRUARY 5, 2020 @ 3 PM
LANGLEY CITY HALL
112 2nd Street, Langley WA

1. Call to Order
2. Elect a chair
3. Approve agenda
4. Approve minutes of December 11, 2019
5. Public Hearing regarding amendments to Section 18.20.090.B. (Ord no. 1065 and staff report attached)
6. Discussion Items:
   a. Shoreline Master Plan Scope of Work (attached)
   b. Coles Valley update (attached)
   c. Code Amendments discussion
7. New Business
8. Citizen comments
9. Announcements
10. Adjourn

Next Regular Meeting: March 4, 2020
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
December 11, 2019
LANGLEY CITY HALL
112 2nd Street, Langley WA

Attending: Brigid Reynolds, Thomas Gill, Rhonda Salerno, Tucker Stevens, Maralie Johnson, JR Fulton and Burt Beusch. Also attending was Chief Lauer.

1. Call to Order - The meeting was called to order at 3:00 PM

2. Agenda was approved

3. Minutes of November 6, 2019 meeting were approved.

4. Discussion Items:
   a. Parking
      o Brigid referenced a hand out concerning goals to guide the review of parking
      o PAB reviewed that document. Brigid asked that we think about Langley’s need rather than other jurisdictions’ examples. Comparisons need to be made from ‘like’ jurisdictions.
      o Rhonda: Should we start by addressing parking when people assume some parking habits are legal when they aren’t?
      o Chief Lauer: Delivery trucks are a big issue. No enforcement of loading zones. Additionally, delivery trucks are often parked on the street. Our signage is very inconsistent throughout town and that complicates enforcement. We have a reputation of being lenient on parking infractions – should we enforce? The cost of a ticket doesn’t cover the cost of enforcement.
      o JR: Proposed we remove ‘no parking’ and ‘parking permit required’ signs on Second Street. This is was supposed to be a temporary scenario
The code requires residence parking permits but these permits have not been issued for a number of years. This section of the code should be removed.

Tucker: Parking allowed on both sides of the street provides traffic calming. Feels streets are good use of public funds for driving and parking. Reduce parking and let the market decide.

What are the impacts to pedestrian and cycling traffic with on street parking.

JR: Parking is ‘weaponized’ as a way to limit additional housing.

Thomas: Developers could be responsible for making street improvements to accommodate parking for the property. The code requires this already.

Considerable discussion was held about multifamily housing developments in the City that provides parking to code but it is underutilized.

Ross Chapin (attending citizen): Must find middle ground on this topic. Most codes promote low density, larger homes. Must figure out how to encourage a wider range of housing which is usually eliminated because of parking requirements / codes. He starts designing homes with parking requirements. Believes some things must be on-site but should not be eliminated completely because you will eventually clog street parking.

Thomas: Consider ½ parking space per bedroom rounded up. In other words: One Bedroom = One parking space. Two bedrooms = One parking space. Three bedrooms= Two parking spaces. Consider this applying to all forms of housing.

Does reducing parking requirements push the ‘problem’ onto others.

Brigid: Asked PAB to look at other small jurisdiction codes to see what their parking minimums are.

Next meeting review the sidewalk inventory map T-6 from the Comp Plan with reference to parking.

b. Code amendments / Setbacks

The PAB reviewed a discussion paper with some recommended amendments.

The group discussed reducing front and rear setbacks outright instead of expanding what can encroach into the setbacks by right.

Ross Chapin (attending citizen): Consider 10’ setbacks in front of the property to create more of a village feel than a suburban feel.

JR: Consider 10’ setback in the back of the property as well.

Expand what can encroach into the setback, for ex. Ductless heat pump

Considerable discussion about reducing setbacks to 10’ in front, 10’ in back and 5’ on the sides. With relaxed setbacks that would require all bump outs, porches, etc. to stay within those boundaries without exclusions.

c. Maker’s Space

The Municipal Code does not currently permit this use except as a home occupation use which is on an individual basis.
o Brief review of document which included noise issues, debris, raw materials, shipments, etc.

o Sales of goods should be limited to goods created in the location and ancillary goods

o Outside storage should be limited to larger lots and/or be well screened.

5. New Business

o Affordable housing – next meeting

6. Citizen comments

7. Announcements

8. Adjourn

9. Next Regular Meeting: January 8th, 2020
Staff Report

To: Council
From: Brigid Reynolds, Director of Community Planning
Meeting Date: February 5, 2020

Purpose
To receive public testimony and consider findings of facts and conclusions of law for Ordinance No. 1065, Planning Advisory Board membership.

Background/Discussion
The purpose of this code amendment is to expand the PAB membership residency requirements.

requirements outlined in the LMC restrict membership to people living in Langley. The code permits that one member may live in the UGA. State statute does not establish a residency requirement and numerous other jurisdictions do not have residency requirements.

Expanding the membership has been discussed with PAB and others in the past. As the UGA is now much reduced there is an even smaller pool from which the City may draw upon. There have been a few instances where people have expressed interest and in a couple of cases these people have specific land use, community planning and architectural expertise. However, due to the residency requirements they could not apply.

Council received the initial proposal to amend the PAB membership requirements on November 18, 2019 and unanimously passed the following motion:

To bring forward a motion to amend LMC 18.20.090.

An ordinance has been prepared and a public hearing was held on February 5, 2020.

Planning Advisory Board Suggested Findings of Facts

1. RCW 35A.63.020 establishes the regulation by which a city may establish a planning agency.
2. RCW 35A.63.020 does not establish residency requirements for planning agency membership.
3. 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.
4. Chapter 18.20 LMC establishes the Planning Advisory Board as well as its roles and responsibilities.
5. The Board was originally established in 1989 by Ordinance No. 527.
6. The PAB is an important volunteer board as it advises Council on land use and planning related matters.
7. Section 18.20.090 establishes the residency requirements for PAB membership which are the most restrictive of all boards and commissions.
8. Section 18.20.090 states that four voting members and the alternate must reside either within the city of Langley, or a maximum of one may reside within the unincorporated urban growth area (UGA), as defined by the most current adopted comprehensive plan map. (Ord. 906, 2008)

9. The Comprehensive Plan, adopted in 2018, significantly reduced the size of the unincorporated urban growth area.

10. As a result, the pool of potential members has been reduced.

11. The City has been challenged with finding enough PAB members to ensure meeting quorums.

12. The proposed amendment will enlarge the pool by which community members may

**Conclusions of Law**

Based on the above Findings of Facts, 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 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. Following the open record public hearing on February 5, 2020 on the proposed code amendments, the PAB recommends that City Council adopt the findings of fact, conclusions of law, ordinance no. 1065 and related exhibits.

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

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

**Staff Recommendation**

Following the close of the hearing and discussion by the PAB, the Board recommend the public hearing testimony, findings of facts report, and code amendment be forwarded to Council for its consideration of first reading of Ordinance No. 1065
ORDINANCE 1065

AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, AMENDING
CHAPTER 18.20 OF THE LANGLEY MUNICIPAL CODE, ENTITLED “PLANNING AGENCY”

WHEREAS, the City of Langley has through the adoption of Chapter 18.20 of the Langley
Municipal Code established a planning agency for the City consistent with 35A.63.020 RCW; and

WHEREAS, the Planning Official and the Planning Advisory Board collectively constitute the City
of Langley’s planning agency, a designation that among other responsibilities establishes the Planning
Advisory Board as advisory to the City Council on matters pertaining to the Langley Comprehensive Plan,
land use regulations and some land use applications; and

WHEREAS, the residency requirements of the Planning Advisory Board state that four members
and the alternate shall reside either within the city of Langley, or a maximum of one may reside within
the unincorporated urban growth area (UGA), as defined by the most current adopted comprehensive
plan map; and

WHEREAS, the current Comprehensive Plan adopted in 2019 reduced the size of the urban
growth area considerably; and

WHEREAS, filling Planning Advisory Board vacancies has been challenging due to a lack of
available and interested candidates; and

WHEREAS, there are no residency restrictions in the enabling statute;

WHEREAS, the draft code amendments were presented to City Council at its November 18, 2019
meeting;

WHEREAS, in accordance with RCW 36.70A.106, the City submitted its code amendments to the
Department of Commerce for an expedited review and received confirmation from the Department of
Commerce on December 4, 2019 of receipt of the required notice; and

WHEREAS, after due and proper notice, the Planning Advisory Board held a public hearing on
February 5, 2020 to accept public comments on the code amendments. XXX 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 XXX, 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 XXX 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 Chapter 18.20 Amended. Chapter 18.20 of the Langley Municipal Code is hereby amended consistent with the following.

Section 3. 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 4. 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 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
Chapter 18.20
PLANNING AGENCY

Sections:
18.20.010 State statutes adopted.
18.20.020 Created – Responsibilities.
18.20.030 Planning official.
18.20.040 Planning official – Duties.
18.20.050 Planning official – SEPA official.
18.20.060 Planning advisory board – Created.
18.20.080 Planning advisory board – Duties and responsibilities.
18.20.090 Planning advisory board – Members.
18.20.100 Planning advisory board – Meetings.
18.20.110 Parks and open space commission – Planning agency duties and responsibilities.

18.20.010 State statutes adopted.

Chapter 35A.63 RCW is adopted by reference.

18.20.020 Created – Responsibilities.

Pursuant to Chapter 35A.63 RCW, there is created a planning agency of the city with the powers and duties prescribed in this chapter. The planning agency shall be comprised of the planning official, the planning advisory board, and under certain circumstances as specified below, the parks and open space commission. The planning agency shall be responsible, through its component parts, for:

A. Review and updating of the comprehensive plan for the city;
B. Information and administration of the land use regulations of the city;
C. Development of new land use regulations or revisions of existing land use regulations for consideration by the city council;
D. Preparation of reports and recommendations on land use applications including subdivisions, variances, conditional uses, shoreline permits and other related permits and environmental review;
E. Other related duties as designated by the mayor or the city council.

18.20.030 Planning official.

The head of the planning agency shall be known as the city planning official. The position shall be appointed by the mayor and shall be confirmed by the city council.

18.20.040 Planning official – Duties.

The planning official shall provide regular staff services to the planning advisory board and such staff services to the comprehensive plan group as the executive team of the comprehensive plan group may request. The planning official shall submit to the planning advisory board a report and recommendation
on all proposed land use regulations. The planning official shall convey to the city council the majority report of the planning advisory board, any minority report and the recommendation of the planning official on any proposed regulation which requires city council action as currently provided by ordinance.

18.20.050 Planning official – SEPA official.

The planning official shall serve as the responsible official pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW).

18.20.060 Planning advisory board – Created.

The city of Langley hereby creates a planning advisory board.

18.20.080 Planning advisory board – Duties and responsibilities.

The planning advisory board shall be responsible for the review and recommendation to the city council for the development or revision of land use regulations, including the zoning code and shoreline master program. The planning advisory board shall have such other powers and duties as contained in Chapter 35A.63 RCW and as provided by ordinance.

18.20.090 Planning advisory board – Members.

A. Number of Members. The board shall consist of five voting members and one alternate member. The alternate member shall attend meetings and participate in discussions and will vote when a regular board member is not able to attend a board meeting.

B. Residency. The Planning Advisory Board is comprised of four voting members and one alternate. Three Four voting members and the alternate must reside either within the city of Langley, or A maximum of one member may reside within the unincorporated urban growth area (UGA) Joint Planning Area (JPA), as defined by the most current adopted comprehensive plan map; or may own a business in the City; or may be a professional (working or retired) with specialized knowledge on land use, architecture, planning and similar who lives within the 98260 zip code; or is employed in the City in a profession with specialized knowledge.

18.20.100 Planning advisory board – Meetings.

The planning advisory board shall meet at least once each month, or as often as feasible, in order to carry out the planning advisory board function and to minimize the delay in processing land use applications and planning documents. The board shall adopt and publish policies regarding the time, place, and frequency of meetings. If there is no business to conduct a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the board deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act.

18.20.110 Parks and open space commission – Planning agency duties and responsibilities.

The parks and open space commission shall be advisory to the city council on matters concerning long-range parks and open space planning, including amendments to the parks and open space element of the comprehensive plan.
Exhibit A:  
The Watershed Company Scope of Work and Budget  
for the Periodic Review of the Langley Shoreline Master Program

Scope of Work

Task 1. Project Coordination and Outreach.

1. **Project kick-off.** Watershed will meet with City staff via teleconference to review/refine objectives, agree on initial tasks and timeline, and coordinate on known resources to be delivered to the project team. Watershed will follow up with a refined project schedule for both outreach and deliverables.

2. **Public Participation Plan.** The Watershed will consult with City staff to prepare a Public Participation Plan to provide opportunities for public involvement in the SMP periodic review consistent with WAC 173-26-090. City will disseminate plan as needed.

3. **Coordination with stakeholders.** As needed, throughout the update process Watershed staff will assist City staff in coordinating with applicable State and Federal agencies, tribal staff members, and neighboring jurisdictions that share an active interest in the City’s SMP. The City will lead this task and be the primary point of contact.

4. **Open houses.** One Watershed staff will attend up to two City-organized open houses. The first open house is anticipated to occur in the earlier stages of the project; the second is anticipated to occur on the same day as the public hearing. Watershed will provide up to three posters for each open house, if desired. City will provide hard copies of any related City materials (codes, etc).

Task 2. SMP Periodic Update Report and Code Amendments.

1. **SMP review and documentation.**
   a. **Review the SMP for consistency with legislative amendments.** Watershed will review the City’s SMP, Chapter 90.58 RCW, and Ecology’s rules and determine if amendments are needed to the City’s SMP to maintain compliance. This will rely on the version of the Ecology Periodic Review Checklist provided by the City. Consistency will be documented in the SMP Periodic Update Report (see below).
   b. **Review changes to the City’s comprehensive plan and development regulations for consistency with SMP.** City will identify where changes to the comprehensive plan and development regulations, including critical areas regulations, have occurred since the City’s comprehensive SMP update. Working with City staff, Watershed will review the changes for consistency with the SMP. Consistency analysis will be documented in the SMP Periodic Update Report (see below).
   c. **Sea level rise.** Watershed will provide up to 10 hours of technical assistance to the City related to sea level rise.
   d. **Staff amendments.** Watershed will work with City staff to address specific areas of the SMP where improvement and clarification of the regulations would be beneficial.
including nonconforming use and development standards for proposed reductions to the shoreline buffer (e.g. restoration of the shoreline buffer); trigger for drainage improvements; mooring buoys as a “minor” conditional use; updating and corrections on maps and designations.

e. **Prepare SMP Periodic Update Report.** Following the above-listed subtasks, Watershed will prepare a SMP Periodic Update Report that provides findings and recommendations. The Ecology Periodic Review Checklist will be incorporated into the report.

2. **Provide draft revisions.** Watershed will provide redlined SMP amendments to the City, making changes to SMP regulations to issues identified in the SMP Periodic Update Report. Any amendments to the shoreline critical areas regulations and/or flood hazard regulations that are identified will also be prepared. This scope of work assumes that any revisions to make the SMP more user-friendly will be made by the City.

3. **GIS mapping.** Watershed will provide GIS assistance as directed by the City (up to nine hours).

**Task 3. Local Adoption Process.** The City will lead the local adoption process, including coordination with Ecology and all document submittals.

1. **Prepare SEPA documentation/60-day notice.** City will prepare SEPA documentation and 60-day notice to Department of Commerce. Watershed to review.

2. **Attend public hearing.** A Watershed staff will attend one public hearing. The below budget assumes this meeting will occur on the same day as an open house and near in time.

3. **Assist staff in preparing a responsiveness summary.** City will prepare a matrix listing all comments received during the public hearing and public comment period. Watershed will assist the City with responses requiring technical input, as needed (up to four hours).

4. **Review and edit final documents based on City direction.** As requested, Watershed will assist the City with edits to documents as directed by the City (up to four hours).

5. **Address Ecology comments and prepare adoption draft.** Following receipt of Ecology’s initial determination, we will assist the City to address any recommended or required changes and prepare an adoption draft to go to City Council (up to two hours).

**Assumptions:**

- Routine phone conversation to accomplish the above tasks is included. In-person meetings other than those specified are not included.
South Whidbey, LLC

January 28, 2020

The Honorable Tim Callison
112 Second Street
Langley, WA 98260

Dear Mayor Callisen:

RE: Update on “Coles Valley Neighborhood”

Wanted to thank you, as well as, the planning advisory board, city council, and staff for the assistance received thus far in making progress on the “Coles Valley Neighborhood” project. Now that the MOU is drafted and signed by all parties (pursuant to the planning department’s request), we wanted to follow-up further to share additional action steps we’ve taken in order to keep you up-to-date on the status of our efforts:

1. Affordable Housing in Langley – Paul Schissler Associates:
   To assist in researching the options and resources available to create affordable housing in Langley, we’ve contracted with Paul Schissler, a community planner with extensive experience in housing affordability.

2. Need for Zoning Update – PlaceMakers, LLC:
   We’ve also contacted with Hazel Borys & Susan Henderson, both principals of a renowned organization, called “PlaceMakers”, who possess the acumen to update Langley’s zoning ordinance, per the city’s request.

3. Master Planning & Design – Ross Chapin Architects:
   As you know, we’ve hired Ross Chapin, planner and architect, to design a neighborhood the community of Langley will be proud of once complete.

4. Engineering & Geotechnical – Parametrix & GeoTest Services, Inc
   Our team also includes Sam Nielson (PE with Parametrix) and Edwardo Garcia (PE with GeoTest Services) who will address the technical, engineering aspects of the project as it evolves.

5. Project’s Lead Contact – Bob Libolt
   In an effort to streamline & simplify communication between everyone involved, Bob Libolt, who’s a partner in the project, will act as the lead contact between all parties involved.

Lastly, we recently learned there’s push-back on our proposed project by some locals and that some misleading information is circulating about who we are as individuals. So if any city staff are interested in learning the actual facts about our capabilities and qualifications as developers, please let us know and we’ll be happy to provide resumes.

On behalf of the Coles Road partnership, we are pleased to be moving ahead with the project and sincerely appreciate the City of Langley’s assistance in keeping the process moving forward.

Sincerely yours,

Kenneth D. Hertz, Partner

CC: Brigid Reynolds via planning@langleywa.org, City Council via council@langleywa.org. Planning Advisory Board via PAB@langleywa.org

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