City of Langley
Planning Advisory Board
AGENDA
December 6, 2017 – 3:00 PM
LANGLEY CITY HALL
112 2nd Street, Langley WA

1. Call to Order
2. Approve agenda
3. New Business
4. Review minutes of November 1st meeting
5. Read Conflict of Interest statement (attached)
6. Review Ethics Advisory Letter (attached)
7. Proposed amendment to Neighborhood Business uses (attached staff report)
8. Comprehensive Plan Public Hearing (attached staff report)
9. Tiny Homes ORD draft (attached draft ORD)
10. Citizen comments
11. Announcements
12. Adjourn

Next Regular Meeting: January 3, 2018
MINUTES
CITY OF LANGLEY
PLANNING ADVISORY BOARD REGULAR MEETING
November 1, 2017

The meeting was called to order at 3:00 PM.

ATTENDANCE
PAB: Christy Korrow, Chair, Roger Gage, JR Fulton, Maralie Johnson (alternate), Rhonda Salerno
Council: Domingue Emerson, Burt Beusch
Staff: Brigid Reynolds, Planner
Regrets: Sommer Harris

1. Approval of the Agenda
   Approved

2. Conflict of Interest Statement
   The Chair read the conflict of interest statement.
   JR Fulton expressed a conflict of interest due to the recently purchased property at 2nd and
   DeBruyn Ave and that the property has been proposed to be rezoned from residential to
   neighborhood business since 2014.
   Maralie Johnson expressed a conflict of interest due to her involvement in the Tiny Homes for
   Christ initiative.

3. Minutes
   Minutes of October 4th regular meeting were approved with a correction to the spelling of
   Rhonda Salerno.

4. Proposed rezone of properties from residential to neighborhood business
   JR Fulton recused himself and left the meeting at 3:13 pm
   Planner Reynolds provided background regarding the properties that are proposed to be
   rezoned from residential to neighborhood business.
   The original request to rezone the property at 2nd St and De Bruyn Avenue was made by the
   previous owner in 2014 and was discussed by PAB in the past. JR Fulton informed the Director
   of Planning that he and his partner made an offer on the property and asked if there was a
   conflict. Brigid explained she contacted the City’s lawyer who confirm that JR is not in conflict
   due to the nature of the action.
   The zoning of the Visser property as residential became apparent when the property came up
   for sale. The proposal to rezone the property came from the Planning Department in order to
   recognize its historic commercial use as a funeral home.
Whidbey Telecom recently expressed a desire to rezone their property on 3rd and DeBruyn from public use to neighborhood business to create more opportunity for their workers. Rhonda expressed concern regarding some of the regulations in neighborhood business for example setbacks, lot coverage, building siting. Brigid provided some clarification that there are other parts of the code guide the form and character of development.

Brigid introduced the permitted uses in the neighborhood business zone, the conditional use process as well as possible revisions to the neighborhood business.

Barbara Scott read a letter of concern regarding the proposed rezoning of the lots at 2nd and DeBruyn to neighborhood business and requested the PAB delay any decision on this matter due to the potential impact on the residential neighborhood.

Walt Blackburn stated there is no definition in the Code for neighborhood business or goals to guide such a use. He also referenced the nuisance code that needs to be considered and referenced a precedence from Brier that could be useful. He also expressed concern about the timing.

Another citizen stated concern with neighborhood business use due to recent conflicts. She also requested and delay.

Susan Scott asked for a delay in any decision.

George Henny of Whidbey Telecom spoke about his goal and the need to provide more housing for Whidbey Telecom staff. These lots provide this opportunity to establish a compatible use and workforce housing. He recently submitted a request to the Planning Department in this regard. He indicated he was not in a hurry.

Dominique Emerson spoke as a private citizen asking about what exactly is proposed for neighborhood business uses as well as asking about the conditional use process. Brigid discussed the process by which a conditional use application is processed.

Rhonda made a motion to recommend that Council and the PAB delay any decision regarding the potential rezonings of the properties to neighborhood business as well as the uses (current and proposed). Seconded by Maralie.

Dominique Emerson spoke as Council member to confirm that the proposed rezonings were introduced for information but that Council has not reviewed it as an ordinance or granted any readings. Burt Beusch confirmed that this is a sensitive issue and understands it may be too early to vote on this.

Christy expressed concern about this delay affecting the Visser property.

The motion was amended such that the PAB recommends to Council that they hold off making any decision on redesignating the properties from residential to commercial so that the PAB can
have further discussion about the proposed commercial uses and that the Visser property not be included in this delay.
George Henny confirmed he has no plan and no concrete timeline.
Motion passed with 3 in favor and 1 abstention.

Brigid introduced the revised draft Table 18.09 with changes to the Neighborhood Business zone and some proposed definitions to identify those that maybe more compatible with residential uses. Other items discussed include the conditional use sections of the code. As well as the potential of downzoning lands. PAB members were invited to review other precedence and provide suggestions on the subject.

JR Fulton returned to the meeting at 4:40 pm.

5. **New board member training**
   Brigid stated that no ethics training as been scheduled. Christy suggested it might be useful for all members to attend the training.

   Rhonda stated that it would be helpful to create a manual for new members and/or establish a mentor program for new members to they may have a better understanding on the issues.

6. **Next meeting**
   The next meeting will be December 6th.

The meeting was adjourned at 4:50 p.m.
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, Washington
Ethics Training and Advisory Board

Chairman
Bob Frause

Members
Lily Fox
Bob French
Monica Guzman
Fred Herzon

Alternate
Sharon Betcher

Ethics Advisory Opinion -- 0072017
Alleged Conflict of Interest Regarding Property at 2nd Street and De Bruyn Avenue

Introduction

The City of Langley Ethics Training and Advisory Board has been asked by Mayor Callison for an advisory opinion regarding a possible conflict of interest concerning Langley Planning Advisory Board (PAB) member JR Fulton and the rezoning of the property at 2nd Street and De Bruyn Avenue in Langley. Questions appertain to Fulton’s role and participation in the PAB discussion and vote to recommend rezoning of the property from residential to commercial. Additional questions relate to Mr. Fulton’s participation in discussions and vote to recommend other zoning amendments or changes to the property in question as well as other Langley properties under consideration for purchase.

In pursuit of the above request, interviews were conducted with PAB member JR Fulton, PAB Chairman Christy Korrow, and Director of Community Planning, Brigid Reynolds. In addition, PAB meeting minutes were reviewed.

Focus of Opinion

The focus of this advisory opinion considers the following:

Values

The circumstances in question pose a possible inconsistency with Ethics Code values including:

1. **Stewardship** -- As stewards of our shared commons, we honor the history, culture and future of the citizens who call our community home. We yield our own private interests to act wholeheartedly on behalf of the greater civic environment.

2. **Transparency** -- In pursuit of transparency we adhere to clear, accurate, honest and open communication principles. All opinions, views and responses are treated with a level of sensitivity that assures both openness and a responsible level of confidentiality.
3. *Integrity* – Our daily actions are based on a solid habit of honesty. We perform our duties in an open and responsible manner. To do otherwise would be a dereliction of our duty and a breach of trust.

**Principles of Conduct**

1. **1.25.050 A. Conflicts of Interest (Section A, A5 a, b)** -- The advisory request seems to suggest, although no actual section of the Code's Principles of Conduct was cited, ethical misconduct may have occurred surrounding the participation of JR Fulton in several PAB rezoning discussions and decisions regarding the land parcel he owns, located on the northeast corner of 2nd Street and De Bruyn Avenue.

**Opinion**

1. **1.25.050 A. Conflicts of Interest (Section A)** -- If the information we have reviewed is truthful and accurate, although possibly incomplete, a strict consideration of chronology indicates that the PAB proposal to rezone the land parcel in question preceded JR Fulton’s purchase of the property and tenure on the PAB committee. The Ethics Board finds no ethical misconduct occurred regarding this situation.

2. **1.25.050 A. Conflicts of Interest (Section A5 a and b)** -- If the information we have reviewed is truthful and accurate, although possibly incomplete, a degree of ambiguity exists concerning Mr. Fulton’s participation in and/or recusal from zoning discussions regarding property he owned or was considering purchasing after his appointment to the PAB.

   a) Regarding the Visser Funeral Home property under consideration for purchase by Mr. Fulton and colleagues, Mr. Fulton formally recused himself from discussion at the September 6, 2017 PAB meeting surrounding the potential rezoning of that property. Mr. Fulton’s good faith actions to disclose and recuse from voting support our conclusion of good ethical conduct.

   b) Regarding October 4, 2017 PAB discussions surrounding a proposed Langley zoning amendment of a three-block area between 1st Street to 3rd Street and from De Bruyn Avenue to Park Avenue, which include Mr. Fulton’s property, the record is unclear as to the participation of Mr. Fulton in that discussion and vote. Because there is no clear evidence regarding Mr. Fulton’s role at the referenced meeting, and because Mr. Fulton’s sincere statement that he abstained from comment, the Ethics Board prefers to give Mr. Fulton the benefit of the doubt with regard to his potential ethical oversight. We find no intended ethical misconduct.

**Advice**

1. Conflicts of interest are not inherently negative; rather, the way in which the conflict is handled makes the difference. The party who has a conflict of interest should be honest and inform all involved parties so that goals of fairness, objectivity and transparency are obvious to all citizens. This situation and how it was managed was not properly documented in the minutes of the Board and was therefore not transparent to any citizen reading these public minutes.

11/14/2017 Ethics Advisory Opinion 0072017
2. We appreciate the Mayor for bringing this to the Ethics Board’s attention. Chairs of citizen boards and commissions have the responsibility to identify potential conflicts of interest as they occur and manage them. In addition, we suggest they ensure that meeting minutes accurately reflect how conflicts of interest were handled. City officials have the ultimate responsibility to manage conflicts of interest. This includes assisting committee chairs with identifying issues as they occur.

3. We recognize that identifying and managing conflicts in a small community may create a certain amount of social awkwardness and potential animosity. It is far easier for officials and committees to deal with these issues early in the process rather than deal with the unfortunate consequences at a later date. We recommend that all City officials and volunteer board members have continued training in managing conflicts of interest.

Respectfully Submitted,
Ethics Training and Advisory Board
Date: November 14, 2017
Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Date: December 1, 2017
Subject: Proposed Amendments to the Neighborhood Business Zone Uses and Definitions

Purpose
To introduce proposed changes to the Neighborhood Zone including amending the zoning for four properties from RS5000 or RS7200 to Neighborhood Business.

Background/Discussion
As part of the Comprehensive Plan Update approval process a SEPA notice was issued on October 2, 2017. This notice also identified proposed land use designation and zoning changes for properties listed as ref. 1 through 4 below on Table No. 1. The request for ref. 5 on Table No. 1 was received on October 31, 2017 and therefore not included in the notice.

The only comments received were related to the proposed amendments to property ref. 1 and 2. These comments have resulted in the proposed amendments to the Neighborhood Business Zone as outlined in Attachments No. 1 and No. 2. The issues of concern that have been identified include:

- No definition of neighborhood business
- No discussion of intent and purpose of the zone
- Some current uses are not compatible with adjacent residential uses

Attachment No. 4 details concerns raised the Langley Association of Neighbors Downtown (LAND) group.

Table No. 1 - five subject properties

<table>
<thead>
<tr>
<th>Ref</th>
<th>Location</th>
<th>Parcel No.</th>
<th>Current zone</th>
<th>Proposed zone</th>
<th>Trigger</th>
<th>Parcel size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2nd &amp; DeBruyn</td>
<td>S7345-00-02020-0</td>
<td>RS7200, RS7200-WS</td>
<td>Neighborhood Business</td>
<td>Owner's request 2014</td>
<td>.20 ac</td>
</tr>
<tr>
<td>2</td>
<td>2nd &amp; DeBruyn</td>
<td>S7345-00-02019-0</td>
<td>RS7200, RS7200-WS</td>
<td>Neighborhood Business</td>
<td>Owner's request 2014</td>
<td>.19 ac</td>
</tr>
<tr>
<td>3</td>
<td>432 3rd @ Park</td>
<td>S7345-00-08001-0</td>
<td>RS5000</td>
<td>Neighborhood Business</td>
<td>Recognize historical</td>
<td>.37 ac</td>
</tr>
</tbody>
</table>
At the November 1st PAB meeting the Board discussed the proposed amendments to change the zoning of the properties identified above. The original request to amend the zoning for ref. 1 and 2 was in 2014 and was the subject of previous PAB discussions in at least February 2016. The Board also discussed possible amendments to permitted uses and definitions for the Neighborhood Business zone to make them more compatible with the surrounding residential neighborhood.

Currently the Neighborhood Business zone applies to a total of 24 properties:
- East side of Camano across from the SW Community Center – 11 lots
- DeBruyn between 1st and 2nd St - 4 lots
- Corner of Cascade Ave and 6th St – 4 lots
- Brooks Hill Road/3rd St @ Coles Road – 5 lots

The uses on these properties include professional medical/health offices, single family residences, motel, laundromat, social and recreational facility and townhomes. Attachment No. 1 lists the current permitted uses in the Neighborhood Business zone as well as proposed amendments. With the exception of the amplified music and activities at the Machine Shop I am unaware of other complaints from adjacent property owners to properties zoned Neighborhood Business.

Retail use is currently only permitted on the 3 properties on 2nd Street @ DeBruyn Ave as defined in Table 18.09 of the Code, the NB overlay district.

In addition to the regulations outlined in LMC 18.18 Neighborhood Business zone there are other regulations that apply to new development or redevelopment for these properties. The Code references are as follows:

Landscaping – LMC 18.22.020
Parking – LMC 18.22.130
Commercial adjacent to SFD – LMC 18.22.095
Outdoor storage – LMC 18.22.100
New development or redevelopment is subject to Design Review – LMC 18.34.030
Multi-family development performance standards – LMC 18.25.
Low-Impact Development measures – LMC 15.01.005/425/445/460
Design Review – Design Guidelines
Site plan review - the scale of the development dictates the approval process – LMC 18.27
Administrative review by the Director of Community Planning is required for developments with 3-10 units, 5000 sf or less, and change of use where impacts warrant a review. Hearing Examiner review is required for proposed larger scale developments.
If the proposed use is identified as a Conditional Use in Table 18.09 then that application is guided by LMC Chapter 18.28 (Conditional Uses). Where a conditional use is being proposed the application process as required by the LMC includes public notice to neighbors within 500 ft of the subject property, PAB meeting presentation with a recommendation and a public hearing by a hearing examiner. A SEPA determination may or may not be required depending on whether the application meets the exemption provisions. An important consideration of a conditional use is that objections to it must be based on some particular feature of a project unique to the site, not inherent in the use.

ANALYSIS
Comprehensive Plan Goals and Policies
The current and proposed Comprehensive Plan is the guiding policy document that directs orderly and coordinated physical development of the city for the next 20 years. It anticipates change and provides guidance for action to address and manage the change. It’s a broad statement of the community’s values and vision for its future. The City’s Comprehensive Plan is guided by 14 goals identified in the Plan as well as the 14 Growth Management Act goals. The goals and policies in the Plan must be given equal consideration when reviewing any land use applications.

CURRENT Comprehensive Plan
Goal LU - 3 Distribution of Land Uses.
Encourage the distribution and general location of land-use densities and intensities to coincide with growth projections and the availability of public services.

LU - 3.1 Langley should continue as the commercial, mixed-residential and cultural center for South Whidbey, while retaining and reinforcing a seaside village character.

LU - 3.3 Preserve the community’s unique qualities in part through the concentration of business-commercial and higher intensity residential development closer to the downtown core of the city, and by integrating additional density in the residential community in a way that complements the single-family areas. Expansion of business-commercial development outward from the downtown core area should only occur as needed to meet community needs.

LU- 3.4 Allow mixed land uses where the uses are not conflicting. Examples include: home occupations in residential areas, higher residential densities adjacent to lower residential densities, and combined retail/residential in the commercial areas.

LU- 3.8 Require buffers (vegetation, fences, etc.) between certain land uses to minimize the impact of one use upon another, such as businesses adjacent to residences.

LU - 3.10 Encourage the primary commercial development to locate in the downtown core area.

Goal LU – 4 Diverse and Stable Economy
Support the local economy by providing a predictable development atmosphere, emphasize diversity in the range of goods and services, and make every effort to see that employment opportunities are balanced with a range of housing opportunities.

LU- 4.1 Encourage development of a wide range of commercial uses to support local residents as well as the needs of the visiting public.

LU- 9.3 Design new commercial development/redevelopment, multi-family development, and other development in a design that is compatible with the style of existing buildings and ensure aesthetically pleasing projects.

PROPOSED Comprehensive Plan Goals and Policies
Goal LU-4 The location of different land uses and housing densities shall reflect an efficient distribution of public infrastructure and accommodate future growth projections.

| LU-4.1 | Focus urban residential and commercial growth in Langley’s Urban Growth Area. |
| LU-4.2 | Focus new commercial development in the central business core. |
| LU-4.3 | New commercial development outside of the central business core may be supported when there is no net loss of residential units. |
| LU-4.6 | A mix of land uses is supported where they are sensitively integrated including for example home occupations in residential areas, higher residential densities adjacent to lower residential densities, and combined retail/residential uses in the commercial areas. |
| LU-4.10 | Require buffers (vegetation, fences, etc) between certain land uses to minimize the impact of one use upon another, such as commercial adjacent to residences. These buffers shall not inhibit pedestrian circulation, connectivity, access and wayfinding. |
| LU-4.13 | Approving new commercial development that results in the loss of residential units shall be discouraged. |
| LU-4.14 | New commercial development is strongly encouraged to be mixed use. |

Goal LU-5: Economy
Support and expand the local economy by encouraging new businesses to locate here and assisting existing businesses to thrive.

| LU-5.1 | Encourage development of a wide range of commercial uses to support local residents as well as the needs of the visiting public. |
| LU-10.4 | Design new commercial development/redevelopment, multi-family, and other development in a manner that is compatible with the style of existing buildings, and ensure aesthetically pleasing projects. |
GOAL ED-3 Maintain and enhance the existing downtown area as Langley’s retail and civic center and in particular its intimate and walkable scale as well as its small-town atmosphere and character while addressing the downtown's planning and infrastructure issues.

| ED – 3.1 | Encourage residential use above ground floor commercial uses to create a vibrant downtown day and night. |

Goal S-4 Economic Development
Encourage economic development policies and programs designed to support and promote sustainability, resiliency, and energy efficiency. Maintain existing utility systems while seeking to expand the use of renewable energy sources.

| S-4.1 | Economic development should support and encourage reliance, development and expansion of locally-based business and employment opportunities. |

| S-4.2 | Regulatory and economic initiatives should emphasize flexibility and the ability to anticipate and meet evolving employment, technological and economic patterns. |

| S-4.3 | Land use and regulations should be designed to encourage and support the ability of local residents to work, shop, and obtain services locally. |

| S-4.4 | Encourage and support infrastructure and land use policies that encourage and support home-based work and business activities that supplement traditional business and employment opportunities. |

While the principle commercial area is the central business district (CBD) the neighborhood business zone district was established to facilitate less intensive commercial activities than permitted in the CBD. Both the current and proposed Comprehensive Plan goals and policies generally support the proposed amendment to rezone these parcels from residential to commercial providing they are integrated in a sensitive manner with regard to the surrounding residential neighborhood. Future development of the properties require design review to facilitate compatibility with adjacent residences. There is limited commercially zoned land available in the CBD and the proposed amendments intend to create opportunities for employment and residences. No residences will be lost as a result.

The City and South Whidbey are experiencing a housing shortage. Single level commercial development is not viable and any new commercial development would have to be mixed use to include residential in the upper floors. Facilitating the development of more housing units is a priority for the Planning Advisory Board.

Proposed Amendments to the Neighborhood Business Zone
As previously identified there is no definition of neighborhood business in the current code. Nor is there a clear purpose. Having scanned different codes from a variety of jurisdictions the following amendments are proposed. These proposed amendments are intended to address concerns raised by
surrounding residential neighbors. In addition, some of the permitted uses are less suitable outside of the CBD. As a result

Langley Association of Neighbors Downtown (LAND) submitted recommended changes to the LMC for the NB zone as well as other issues. Two of their submissions are includes as Attachment No. 3 and No. 4. The recommendations related to other matters unrelated to the NB zone are not part of this discussion. LAND's mission statement was not included. Some of the group's recommendations have been included in the proposed amendments. I added a comment to Attachment No. 3 regarding errors in that chart.

PROPOSED AMENDMENTS TO NEIGHBORHOOD BUSINESS ZONE

Definition
Neighborhood Business means small commercial or mixed-use establishments located in or adjacent to residential areas, that function to provide limited retail goods and services for the needs of consumers, clients or residents within a limited geographic area. (Poulsbo and Renton, WA)

Purpose
The Neighborhood Business District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding residential neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential neighborhoods. By providing design review and conditional use approval for some uses, it is the further objective of the neighborhood business zone to maintain a limited intensity of land use and a scale and character of development compatible with the neighborhood residential areas. (Oregon City, OR and Brier, WA)

Other regulations
Hours of operation - Hours of operation shall be limited to nine a.m. to nine p.m., including deliveries. These hours are reflective of LMC 8.10.020 E
Outdoor storage of materials is not permitted
Outdoor speakers are not permitted

Uses
The proposed amendments to permitted, secondary (accessory) and conditional uses are shown in Attachment No. 1. These have been revised to reflect uses that are more suitable in a neighborhood business zone and are less impactful.

The NB retail overlay zone is proposed to be eliminated as it currently applies to three properties. This would permit retail use in all NB zones. Retail use is a more compatible use than some other more intensive commercial uses such as restaurant as they do not tend to have later hours. In any case hours of operation are intended to be limited.
Definitions
The LMC regulates uses in different zone districts however in some instances no definition has been established in the Code. Where there is no definition the planner must review definitions from other jurisdictions to make a determination. Uses that are not currently defined are the subject in Attachment No. 2. These definitions are being recommended to provide greater clarity and certainty for stakeholders. The APA Planners Dictionary was the primary source document for this review.

NEXT STEPS
Process
The rezoning of the four properties identified in Table No. 1 are proposed to be considered as part of approval of the Comprehensive Plan. This does not include ref. no. 5 as this property was not part of the SEPA notice and determination.

The proposed changes to the Neighborhood Business Zone and related amendments are not proposed to be considered as part of the Comprehensive Plan approval. These amendments require a SEPA notice and determination, must be referred to the Department of Commerce for its review, and must receive a public hearing. Should the PAB be supportive of the proposed NB zone amendments they would be presented to Council at its December 18th meeting and the formal adoption process would begin.

Options
The PAB may:
1. Support the staff recommendation; or
2. Recommend further revisions to the proposed amendments to the NB Zone; and/or
3. Recommend the zoning amendments for the properties in Table No. 1 be adopted at a later date.

Recommendation
Staff recommends
1. That the proposed amendments to the Land Use Designation Map move forward with the Comprehensive Plan approval process as well as the proposed rezoning of the four subject properties in Table No. 1.
2. The proposed amendments to the Neighborhood Business zone including definitions, purpose, and uses be recommended to Council at its December 18th meeting.
### Attachment No. 1

**Proposed Changes to Uses in the NB Zone**

The chart (excerpt from LMC 18.09.010) below identifies the current permitted, secondary or accessory and conditional uses in the Neighborhood Business zone. The proposed changes are shown in red. Items identified with * have proposed definitions as the use is not currently defined. These definitions are in Attachment No. 2.

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>CB</th>
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<th>NB proposed changes</th>
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<tr>
<td>Accessory Dwelling Unit</td>
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<td>Adult Family Homes</td>
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<td>Duplexes</td>
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<td>Duplexes on lots of 7,200 SF or larger</td>
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<td>Medical-Dental Clinics *</td>
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<td>Land Uses</td>
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<td>Nurseries, retail*</td>
<td>X</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>X</td>
<td>CU</td>
<td>P</td>
</tr>
<tr>
<td>Offices</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Parking Facilities</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public Market</td>
<td>P</td>
<td>X</td>
<td></td>
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<tr>
<td>**Personal Services *</td>
<td>P</td>
<td>P</td>
<td></td>
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<tr>
<td>Public Facilities</td>
<td>P</td>
<td>P</td>
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<td>Public Parks and Open Space Areas</td>
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<tr>
<td>Schools and Grounds, Administrative Offices and Related Facilities</td>
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<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Residential Zone Offices</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Restaurant (exclusive of fast food and drive-in)</td>
<td>P</td>
<td>P</td>
<td>CU</td>
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<tr>
<td>Retail *</td>
<td>P</td>
<td>X</td>
<td>P</td>
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<tr>
<td>Retreat/Conference Center</td>
<td>P</td>
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<tr>
<td>Senior Retirement Facilities</td>
<td>P</td>
<td>P</td>
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<td>Service Stations</td>
<td>CU</td>
<td>CU</td>
<td></td>
</tr>
<tr>
<td>Single-Family Dwellings</td>
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<td>X</td>
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<tr>
<td>Social and Recreational Facilities *</td>
<td>P</td>
<td>P</td>
<td>CU</td>
</tr>
<tr>
<td>Social Service Facilities *</td>
<td>X</td>
<td>CU</td>
<td></td>
</tr>
<tr>
<td>Taverns</td>
<td>P</td>
<td>X</td>
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<td>Theaters</td>
<td>P</td>
<td>X</td>
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</tr>
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<td>Type I and II Home Occupations</td>
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</tr>
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<td>Land Uses</td>
<td>CB</td>
<td>NB current</td>
<td>NB proposed changes</td>
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<td>--------------------------------</td>
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<tr>
<td>Type III Home Occupations</td>
<td>CU</td>
<td>CU</td>
<td></td>
</tr>
<tr>
<td>Veterinary Clinics for Small Animals</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Wellness Retreat</td>
<td>CU</td>
<td>CU</td>
<td></td>
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<tr>
<td>Winery</td>
<td>P</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Winery Bar*</td>
<td>P</td>
<td>P</td>
<td>CU</td>
</tr>
<tr>
<td>Wireless Communication Antenna Arrays</td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
</tbody>
</table>
Attachment No. 2
Proposed New Definitions

Brew pub means a combination of a pub with a brewery, making beer on a limited production basis, in accordance with regulations set by the State of Washington.

Church means A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities. (Muskegon, Mich.)

Cultural Facility means services to the public, such as but not limited to museums, art galleries, libraries, musical and live theatre, by a public or private, nonprofit facility. (Nashville and Davidson County, Tenn)

Health Club means a facility where members or nonmembers use equipment or space for the purpose of physical exercise. (Blue Springs, Mo.)

Medical/Dental Clinic means a facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. (Santa Rosa, Calif.)

Multi-Family Dwelling means a dwelling or group of dwellings on one lot, containing separate living units for three or more households families, having separate or joint entrances, and including apartments, group homes, row houses, tiny homes, and condominiums; also multiple dwellings. (Stonington, Conn.) New definition to replace existing.

Nursery, retail means the retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer. (Shasta Lake, Calif.)

Personal service means businesses engaged in providing care of the corporeal person or his apparel, not including health care such as shoe repairs, laundry and dry-cleaning, beauty and barber shops, other personal grooming facilities and domestic assistance services. (LMC, Bremerton, WA)

Public Market means the use of land, buildings, or structures for the sale of food, beverages, arts and crafts and the like by multiple vendors. (Duncan, BC)

Public Parks and Open Space Areas means the land, water areas, buildings or structures used for recreational, archaeological, historical, educational or ecological purposes, which may also include accessory buildings, structures and infrastructure, including community water access, cultural facilities, administrative offices, interpretative and directional signage, seating areas, viewing platforms and information kiosks. (Duncan, BC)

Retail means the selling of any article, substance, or commodity within a building (King City, CA)
Social and Recreational Facilities means establishments engaged in providing amusement or entertainment, including but not limited to activities such as dance halls, studios, bowling alleys, billiard and pool establishments, video arcades, amusement parks, swimming pools, health and fitness club, community center (Bellevue, WA)

Social Service facilities means a use that provides a social service directly to the adjacent community, such as food banks, blood banks, emergency shelters, crisis centers, etc. (Renton, Wash.)

Veterinary Clinic for Small Animals Means a facility for the care and treatment of small animals, including household pets. (Kauai County, Hawaii) where animals may be boarded during their convalescence. (Santa Rosa, Calif.)

Winery Bar means any establishment having as its principal or predominant use the serving of wine for consumption on the premises. Sandwiches, light meals and/or full-service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.
EXHIBIT 2: Summary of NB Land Use Recommendations

* LAND supports CU on the condition that appropriate and sufficient safeguards, requirements, etc. are adopted in the revised NB zone code, in addition to changes to the CU Process

Notes from the Director of Community Planning - the chart below does not accurately reflect what is currently permitted in the NB zone and what has been proposed. Please review against the draft table in Attachment No. 1 of the staff report and current LMC 18.09.010. Additionally, other sections of the LMC regulate things such as parking, landscaping, outdoor storage, low-impact development, and design review.

<table>
<thead>
<tr>
<th>Recommended by City Planner</th>
<th>LAND Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Inns</td>
<td>P</td>
</tr>
</tbody>
</table>

NOTES: Must be subject to requirements for onsite parking, density, height, and lot coverage

| Brewery/Brewpub             | Cu                  | X                   |

NOTES: Manufacture of beer without sale may be allowed with mitigation for odors; no consumption or sale of beer on premises. Like Taverns which are not permitted.

| Cultural Facilities         | P                   | CU*                 |

NOTES: While we embrace the spirit of cultural facilities as defined in staff recommendations, we wish to apply scale guidelines related to parking, density, height and lot coverage as they will impact adjacent residents.

| Health Clubs               | P                   | X                   |

NOTES: another use subject to considerations of scale and neighborhood impact

| Hotels, Motels             | P                   | X                   |

NOTES: To be economically viable, we believe the scale required for either use will exceed the desired limits on parking, traffic, building size, etc.
<table>
<thead>
<tr>
<th>Use</th>
<th>CU</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lounge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NOTES: LAND does not support any uses in NB where the primary service is the purchase and consumption of alcoholic beverages...most notably because these establishments will not meet the goal for hours of operation and noise</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Mixed Use</th>
<th>P</th>
<th>CU*</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES: Must be reviewed and approved based on potential for not meeting requirements for parking, traffic congestion, lot coverage and more</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nursing Homes</th>
<th>P</th>
<th>CU*</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES: Yet another use that is subject to scale issues related to whether onsite parking can be provided for staff and visitors</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Restaurant</th>
<th>CU</th>
<th>CU*</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES: LAND agrees that restaurants should be evaluated on a case-by-case basis to determine if they meet requirements for scale, parking and hours of operation. We also agree that fast food and drive-in restaurants should not be permitted in the NB zone.</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Retail</th>
<th>P</th>
<th>CU*</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES: This use has been added to the existing NB code. We support this change subject to reviewing a definition of &quot;retail&quot; and that this be a Conditional Use.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Retreat/Conference Center</th>
<th>P</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTES: Similar to Hotels/Motels, this use raises questions about scale and should be evaluated for impact from parking, noise, traffic congestion and hours of operation (evening events)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Senior Retirement Facilities</th>
<th>P</th>
<th>CU*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: Similar to Nursing Homes...this use is subject to scale issues related to whether onsite parking can be provided for staff, residents, and visitors</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Stations</th>
<th>CU</th>
<th>X</th>
</tr>
</thead>
</table>
NOTES: If defined as gasoline pumping stations and automotive sale and repair shops then not permitted. LAND is open to an exception for EV charging stations.

<table>
<thead>
<tr>
<th>Social and Recreational Facilities</th>
<th>CU</th>
<th>X</th>
</tr>
</thead>
</table>

NOTES: This category has potential for LAND opposition because of the broad range of land uses included in the proposed definition. Many of the uses present the potential or noise and for not meeting LAND proposals for parking, traffic congestion, and more.

<table>
<thead>
<tr>
<th>Winery Bar</th>
<th>CU</th>
<th>X</th>
</tr>
</thead>
</table>

NOTES: As noted above, should be treated same as Tavern
Attachment No. 4

EXHIBIT 1:

Langley Association of Neighbors Downtown (LAND)
Recommendations for Modification of LMC code for NB zone

We understand that the Langley Municipal Code (LMC) is subject to revision by City Council and that the proposed Comprehensive Plan Update (CPU) may be amended before it is formally adopted; however, we are relying upon both documents in framing our comments and recommendations.

We are not planning professionals. We do not pretend to have complete knowledge of existing LMC or the proposed CPU. Our comments and recommendations are offered in good faith. We welcome and look forward to further dialogue with appropriate City officials, volunteers, and elected representatives.

Who is LAND?
Langley Association of Neighbors Downtown is a group of residents and property owners in and near downtown Langley who have come together over issues related to land use and zoning over the past two years. Our mission statement is attached to the cover email.

What is the intention for LAND’s recommendations?
The members of LAND recently became aware of requests made or pending to rezone certain properties from residential to Neighborhood Business (NB). This led us to review the existing NB zone code and to consider the potential impact of approving these rezoning requests. Our recommendations are framed by goals/objectives found in the proposed CPU and by existing code in the LMC, as well as by our shared perspective as residents of the adjacent and nearby residential zone.

Why is the NB zone needed?
The LMC needs to provide a definition and establish the overall purpose for NB zone.

As is the rationale for all zoning codes, the overall objective for NB is to prevent incompatible uses on adjacent or nearby parcels...in this case, the impact of non-residential uses on residential zoned properties. See Brier, WA Municipal Code 17.30 for a good example from a community of similar scale and semi-rural character.

Beyond addressing compatibility of adjacent land uses, the definition of the NB zone should include “to provide goods and services for the everyday needs of the immediate neighborhood area rather than serve the broader nearby communities.” [Brier, WA]
Address inconsistencies in overall goals and intentions
Current LMC code and language in the draft CPU clearly and consistently identify the core business area as the focus for economic activity and economic development.

The NB zone should not be used to redirect economic activity away from the core business area where it will impact residential areas with high-traffic businesses.

CPU Executive Summary Goal #2: the City of Langley maintains and enhances the downtown core as the economic, cultural, retail, and social hub of the community...”

CPU Land Use Goal #4.2: Focus new commercial development in the central business core.

CPU Economic Development Goal #3: Maintain and enhance the existing downtown area as Langley’s retail and civic center and in particular its intimate and walkable scale as well as its small-town atmosphere and character while addressing the downtown’s planning and infrastructure issues.

Similarly, existing LMC code and the draft CPU emphasize preservation of “the quiet of [Langley’s] neighborhoods.”

As with the goal to focus economic activity downtown, we understand the goal to preserve quiet neighborhoods as guidance calling for the NB zone to allow a limited range of carefully vetted non-residential uses.

CPU Executive Summary Goal #3: the City of Langley encourages changes that promote livability, pedestrian orientation, and thoughtful design, and limit stress factors such as noise and air pollution and traffic congestion. [Emphasis added]

CPU Land Use Goal #4.12: Encourage development that promotes livability, pedestrian orientation and quality design and limits stress factors such as noise pollution and traffic congestion. [Emphasis added]

CPU Economic Development page 4: Langley’s key economic asset is its quality of life, including the beauty and well-being of its natural features and environment, the friendliness of its small-town atmosphere, the quiet of its neighborhoods, and the enthusiasm and creativity of its residents. [Emphasis added]

Determining appropriate and inappropriate uses in the NB zone
One of the guiding principles for determining appropriate/inappropriate non-residential activities adjacent to or near residential properties is hours of operation. This single consideration goes a long way to anticipate and protect against the potential for disruption, noise, traffic, competition for parking, deliveries, and the like.
Neighborhood businesses should keep neighborhood hours...8am to 6pm.

Also see sections below on Changes to Conditional Use Permit process and Proposed land use changes.

Public Disturbance Noise
If the City adopts LAND’s recommended hours of operation, as well as limited types of land uses allowed by right or by CUP, then noise may not become a factor; however, if residents do experience noise or other disturbances associated with nearby non-residential activities, the City must be committed to enforcement.

Consideration must be given and clear guidance provided in a revision of LMC 8.10 Public Disturbance Noise. If the City continues its historical refusal to base noise complaint enforcement on decibel levels, then in the absence of this tool for measuring noise emanating from structures in the NB zone, amplified music should not be permitted under any circumstances in the NB zone.

A broader approach to nuisance noise is preferred, and adoption of a noise control ordinance similar to Brier, WA Municipal Code Section 8.08 is recommended.

The impact of establishments selling alcoholic beverages
Taverns/brewpubs/lounges/wine bars should all be treated the same, especially if state law allows them to remain open to 10pm or later

If Taverns are not permitted in NB zone, then the same should be applied to any business where consumption of alcohol is the primary service provided, like brewpub, lounge, and wine bar. Serving wine and beer in a restaurant may be permitted if the restaurant owner agrees to and honors terms and conditions of a Conditional Use Permit (CUP), including hours of operation.

The impact of parking within residential zones from NB land uses
When establishing commercial activity adjacent to a residential zone, scale is extremely important for many reasons...one of them is parking.

Current NB zone is silent on parking requirements. To protect against negative impact of inappropriate scale on residential neighborhoods, onsite parking must be required. To do otherwise will concentrate NB street parking in a small area that will overflow to the residential zone. This will create competition for parking similar to dense urban areas like Capitol Hill, Queen Anne, etc. in Seattle. This is not what people moved here for or why they are attracted to visit. This requirement also will provide guidance to developers, property owners, and prospective tenants on what are and are not appropriate non-residential activities for the NB zone. If the projected demand for customer and employee parking cannot
be provided onsite, then the proposed use is out of scale for the NB zone when adjacent to or near an existing residential zone.

We do note that LMC 18.22.130 describes parking requirements for various land uses; however, we are unclear whether in the absence of explicit reference within the NB zone code to parking that this section applies to the NB zone.

Outdoor activities
Outdoor activities bring potential noise and disruption to nearby residents.

NB zone revisions should include prohibition of outdoor activities with potential for noise and disturbance to nearby residents.

Densities, coverage, setbacks and building heights
Building height allowed in the NB zone must preserve solar access for adjacent residents who have installed or may consider installing solar PV systems in the future. Current code allows maximum height of 25 feet with an allowance for 30 feet for pitched roofs.

We believe that maximum height within the NB zone should not be changed. Structures within the NB zone should not be higher than two stories.

Preservation of solar access is consistent with the City's intention to be designated a "solar city" – the criteria for which includes assurance that zoning and other regulations encourage, support, and will not hinder installation of solar energy technology. Allowable height should be determined by the impact of the proposed structure on solar energy potential of adjacent and nearby residential parcels whether developed or undeveloped, as well as the current design character of the existing neighborhood.

In addition to maximum height, existing allowances for maximum density, lot coverage and setbacks are quite generous. They permit maximum use of property in the NB zone without, as noted above, requiring onsite parking. The current allowances are beyond appropriate scale and character of the surrounding residential zone and therefore represent a lack of "sensitive" development.

We are guided by:

CPU Executive Summary Goal #6: the City of Langley actively plans for diverse and affordable housing options that promote innovative styles of development and integrate seamlessly with existing developmental patterns. [Emphasis added]

CPU Land Use Goal #4.6: A mix of land uses is supported where they are sensitively integrated including for example home occupations in residential areas, higher residential densities adjacent to lower residential densities, and combined retail/residential uses in the commercial areas. [Emphasis added]
CPU Land Use Goal #10.4: *Design new commercial development/redevelopment, multi-family, and other development in a manner compatible with the style of existing buildings, and assure aesthetically pleasing projects.*

CPU Housing Goal #2.4: *Ensure that new development is sensitive to and reinforces the design character of existing neighborhoods, promotes the pedestrian orientation of neighborhood streets, and encourages street and development patterns that promote social interaction as well as privacy.* [Emphasis added]

CPU Sustainability Goal #9.5: *Foster local renewable-energy generation including solar.*

**Trash collection and deliveries in NB zone**

Trash collection for businesses is often scheduled at different times than for residential properties. Depending on the type of business, trash also may be collected more than once/week. Noise associated with emptying dumpsters is much greater than the noise created when emptying residential trash containers. Noise associated with early morning deliveries can disturb the peaceful enjoyment of residents and their right to reasonable quiet enjoyment of their homes.

NB zone should require that dumpsters be serviced between 9am and 6pm and be located as far as possible from adjacent residents.

Similarly, deliveries should be scheduled between 9am and 6pm.

**Changes to Conditional Use Permit process for NB zone**

**LMC 18.28.050 A** should be amended to allow CUP to run with the person or the property provided no changes to the current use or the LMC are allowed without providing proper notification and public hearings including adjacent neighbors as described below.

In reviewing the CUP process, we offer the following observations and suggestions:

A successful CUP process requires honest and fair outreach to residents. The City has a history of poor notification to affected parties who often are not aware of changes to zoning codes or the LMC until after the fact. Absent the City's full commitment to a reasonable and transparent notification process, residents and property owners must exercise extreme vigilance to assure they are informed about issues that impact them directly.

The CUP process sets up a recurring activity that is, by its nature, somewhat adversarial. The continual renegotiation — and reinterpretation by new staff and council members — to determine what is an acceptable use can foster potential
ongoing conflict between residents and businesses while also increasing the likelihood for inconsistent outcomes.

The CUP process promotes non-uniform application of the zoning codes. Zoning variances and amendments to the LMC have occurred in the past because applicants have bullied City staff, elected officials, and nearby residents, have graciously cajoled decision-makers, or have simply enjoyed the favor of City Council to obtain approval for their CUP request. These dynamics are unfair to nearby residents directly affected, as well as to the larger neighborhood, and don’t reflect a coherent approach to city planning.

Therefore, within the NB zone code (and perhaps in every zone) the CUP process should require property or business owners to mail notification to all owners and residents of properties within 500 feet as per the Notice of Application requirements for Innovative Permanent Affordable Housing Projects [LMC 18.04.040 F]. The CUP process also should require a neighborhood meeting as required for Mixed Use Housing Demonstration Projects [LMC 18.03.020 B]

In summary, the CUP process should be offered in the least possible number of circumstances and should be subject to stronger notification and public participation than has been required in the past or is currently required.

**Formal recognition for neighborhood associations**

In the course of our review of the LMC, we found two explicit references to registered neighborhood associations [LMC 18.04.040 (B4) and (F4)]; however, we were unable to find any language that establishes a process by which the City will formally recognize a neighborhood association.

We strongly recommend that the City develop and adopt language in the LMC that will provide a mechanism and criteria for formal recognition of neighborhood associations, as well as clearly establish the City’s obligations and responsibilities toward a recognized neighborhood association, especially regarding notification and public engagement.

**Lighting**

In the absence of explicit language, we recommend that NB zone code include requirements that protect nearby residents from spillover light being directed into their homes and onto their properties.

**Proposed land use changes to NB zone code**

We appreciate the intention by the Community Planning Department to review and amend the land uses allowed in the NB zone but feel that the model used (Oregon City, OR -
population 35,000 and 100% urban) is not comparable to Langley. We have modeled elements of our proposal on Brier, WA (population 6,400 and semi-rural) because it is closer to the scale and character of our village.

After reviewing the land uses currently allowed within the NB zone, and after considering the changes proposed by Community Planning staff, we offer the recommendations listed in EXHIBIT 2.

27NovSubmittal
Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Date: December 1, 2017
Subject: Proposed Public Hearing for the 2017 Periodic Update of the City of Langley Comprehensive Plan

Purpose
To consider scheduling a public hearing for the Comprehensive Plan update and related zoning map amendments.

Background/Discussion
In accordance with RCW 36.70A.130(1), every county and city in the state are required to conduct a periodic update of its comprehensive plan and development regulations. The City of Langley is required to complete its update no later than June 30, 2016, however the Department of Commerce granted the City of Langley and other Island County jurisdictions a two-year extension.

The City's Comprehensive Plan is a broad statement of the community's values and vision for its future. It is a policy road map that directs orderly and coordinated physical development of the City for the next 20 years. It anticipates change and provides guidance for action to address and manage that change. The City of Langley's Comprehensive Plan is specifically intended to sustain and enhance the City's character and identity as a unique and vibrant small historic coastal town. As outlined in RCW 36.70A.020 the Comprehensive Plan is guided by fourteen specific GMA goals.

Langley's Comprehensive Plan contains goals and policies to guide growth issues in the City of Langley, unincorporated land in its Urban Growth Area and to a lesser extent lands in the Joint Planning Area. The Comprehensive Plan elements are Land Use, Housing, Transportation, Parks & Open Space, Sustainability, Economic Development, Utilities & Capital Facilities. The Plan also contains related figures and maps.

Between late 2014 and the fall of 2017 the PAB, planning staff, Council and interested citizens and business owners have been reviewing and proposing revisions to the City of Langley's Comprehensive Plan. In that time period the following events/meetings (at a minimum) were held to seek input into the Comprehensive Plan:

- 24 PAB meetings
- Two Parks and Open Space Committee meetings
- Four public hearings
- 15 Council workshops
• One joint PAB/Council meeting
• One open house
• Three Intergovernmental Working Group meetings
• The Comprehensive Plan was discussed at eight regular Council meetings; and
• Draft documents have been posted on the website.

A comprehensive summary table of public comments is posted on the website. The source documents are compiled in a binder available for viewing at City Hall.

On October 2, 2017 the State Environmental Protection Agency (SEPA) Notice of Application and Determination of Non-Significance was issued. The comment period ended October 31, 2017 and one letter of concern was submitted to do with rezoning two lots on 2nd and DeBruyn Ave from RS7200 to Neighborhood Business. The concerns are the subject of amendments to the Neighborhood Business zone.

On October 5, 2017 the Notice of Intent to Adopt Comprehensive Plan Periodic Update As 60 days prior to Adoption was submitted to the Department of Commerce in accordance with RCW 36.70A.106. As of December 1st no response has been received.

On November 28th the Transportation Element was referred to Island County to confirm consistency with the Regional Transportation Plan. The element is expected to receive sign off at the January 25th 2018 meeting.

RCW 36.70A and LMC 18.36.040 require the PAB hold an open record public hearing for the Comprehensive Plan Update as well as related development regulation amendments. The proposed amendments are to the zoning map that flow from amendments to the Land Use designation map (LU-10). These properties are listed on Attachment No. 1 and identified on a map on Attachment No. 2.

**Recommendation**

Staff recommends that the Planning Advisory Board schedule an Open Record Public Hearing on Thursday January 31 and receive public testimony about the proposed update and incorporate necessary changes into the draft Plan that will be forwarded to the City Council for final review and approval.
Attachment No. 1  
Proposed Zoning Map Amendment

Five City-owned parks and open space properties from their current zones to “Public Use”

<table>
<thead>
<tr>
<th>Parcel Reference</th>
<th>Current Zone</th>
<th>Proposed Zone</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S8526-00-000008-0</td>
<td>RS7200, RS7200-WS</td>
<td>Public Use</td>
<td>2007 Meadows wetland</td>
</tr>
<tr>
<td>S7345-00-13000A-2</td>
<td>Central Business</td>
<td>Public Use</td>
<td>Seawall park</td>
</tr>
<tr>
<td>S8525-00-000008-0</td>
<td>RS7200, RS7200-WS</td>
<td>Public Use</td>
<td>Park deeded in 2007, part of subdivision</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Park deeded in 1997, small parcel on Woodsong Ln</td>
</tr>
<tr>
<td>R32902-390-0180</td>
<td>RS7200, RS7200-WS</td>
<td>Public use</td>
<td></td>
</tr>
<tr>
<td>S6362-00-00106-0</td>
<td>RS7200, RS7200-WS</td>
<td>Public use</td>
<td>Park deeded in 1992, part of subdivision</td>
</tr>
</tbody>
</table>

One Port of South Whidbey owned property from “Central Business” to “Public Use” to be consistent with other Port of South Whidbey owned properties

<table>
<thead>
<tr>
<th>Parcel Reference</th>
<th>Zone</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S8250-00-00014-0</td>
<td>Central Business</td>
<td>Port of South Whidbey 2016</td>
</tr>
</tbody>
</table>

Two privately owned vacant parcels from RS7200 to Neighborhood Business as requested by the property owner.

<table>
<thead>
<tr>
<th>Parcel Reference</th>
<th>Zone</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S7345-00-02020-0</td>
<td>Neighborhood Business</td>
<td>Owner's request</td>
</tr>
<tr>
<td>S7345-00-02019-0</td>
<td>Neighborhood Business</td>
<td>Owner's request</td>
</tr>
</tbody>
</table>

Two privately owned developed parcels from RS5000 to Neighborhood Business to recognize its current commercial use.

<table>
<thead>
<tr>
<th>Parcel Reference</th>
<th>Zone</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>S7345-00-08001-0</td>
<td>RS5000</td>
<td>Visser funeral home. Has been operating as such since the 50's.</td>
</tr>
<tr>
<td>S7345-00-09024-0</td>
<td>RS5000</td>
<td>Visser funeral home. Has been operating as such since the 50's.</td>
</tr>
</tbody>
</table>

One privately owned parcel from “Public Use” to “Central Business” to correct the zoning:

<table>
<thead>
<tr>
<th>Parcel Reference</th>
<th>Zone</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>R33034-079-3980</td>
<td>Public Use</td>
<td>2014 Improperly shown on several zoning maps as one lot connected with the Cities open space lot.</td>
</tr>
</tbody>
</table>
Attachment No. 2
Proposed Zone Map Changes
DRAFT

18.22.XXX  Tiny Housed in Pocket Neighborhoods or Tiny House Developments\(^1\). (ver 4 – 12/1/17)

The following regulations apply to Tiny House in Pocket Neighborhoods or Tiny House Developments (THDs):

Definition: A Tiny House is a primary dwelling unit less than under 500 square feet, containing kitchen and sanitation facilities, excluding loft. A Tiny House shall have foundation, footings or piers. Tiny House on Wheels (THOW) are not allowed in the Langley UGA.

In calculating square footage, only space with ceiling heights of 6' 8"(IRC 2018) or 7'(current const. code) or greater shall be counted.

A Tiny House can be a Detached Accessory Dwelling Unit on a single family or duplex lot or it can be part of Tiny House Pocket Neighborhoods

As part of pilot program, use of International Residential Code for Small Houses approved for 2018 shall be allowed.

A. Density and Minimum Lot Area.

1. In THDs the permitted density shall be one dwelling unit per 1200 square feet of lot area (36 units per acre)

2. The minimum lot area for a THD/pocket neighborhood shall be 5000 square feet.

3. On a lot to be used for a THD, an existing detached single family residential or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

B. Height Limit and Roof Pitch.

1. The height limit permitted for structures in THDs shall be 18 feet or 15 feet per ADU ancillary building.

\(^1\) Based upon the Cottage Home ORD:
http://www.codepublishing.com/WA/Langley/#!/Langley18/Langley1822.html#18.22.180
C. Lot Coverage and Floor Area.
   1. The maximum lot coverage permitted for principal and accessory structures in THD shall be 40%. Porches, hardscape and drives cannot exceed an additional 30%.
   2. The total floor area of each tiny house shall be not less than 150 or 200 or no minimum if and not exceed 500 square feet.
   4. The minimum height of a habitable room is 6'8" or 7'. The minimum height of a sleeping loft is 36" (per 2018 IRC). A loft under 6'8" or 7' does not count toward the maximum allowable square feet.

D. Yards.
   1. Front Yards. The front yard shall be an average of 10 feet and at no point shall be less than five feet. Front yard may count toward common space.
   2. Rear Yards. The minimum rear yard shall be 5 feet. The rear setback of any Tiny House is 5' from property line for THDs.
   3. Side Yards. The minimum required side yard shall be five feet.Except the space between walls of tiny houses shall be a minimum of six feet.

E. Required Open Space for Tiny Home Developments
   1. A minimum of 400 total square feet of common open space is required and may include front yards.
   2. At least 50 percent of the tiny house units shall abut the common open space and the common open space shall have tiny houses abutting at least two sides.

F. Parking.
   1. One or 0.5 parking space per dwelling unit shall be required.
   2. Location.
      a. Parking shall be on the THD property or right-of-way.

G. Sewer
   1. A THD shall be served by the City's public sewer system or public sewer.

G. Design Review. Tiny House Housing Developments/Tiny House in Pocket Neighborhoods are subject to design review per the requirements set forth in Chapter 18.34.

H. Zoning Districts. Tiny House Housing Developments/Tiny House in Pocket Neighborhoods are only permitted in the residential zoning districts. 

Commented [CP4]: This is addressed by including Tiny Homes and THD as permitted uses in Table 18.09.
ADDITIONAL REGULATIONS/CHANGES

Add as a permitted use in all RS zones on Table 18.09
Revise 18.22.155 Accessory Dwelling Units to include Tiny Homes.
Ch. 18.36.025 requires Administrative Approval for ADU's. Amend to include Tiny homes.