City of Langley
Planning Advisory Board
AGENDA
January 3, 2018 – 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. Review Conflict of Interest statement (attached to the back of the agenda)
6. Ethics Advisory Letters (two) (attached)
7. Proposed zoning amendments to accompany Comprehensive Plan (attached staff report)
8. Proposed amendment to Neighborhood Business uses (attached staff report)
10. Request to WA State Building Code Council re. Tiny Homes (attached staff report)
11. Citizen comments
12. Announcements
13. Adjourn

Next Regular Meeting: February 7, 2018
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.
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: Dominque 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 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.

Dominque 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.
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 pertain 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.
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
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 0112017
Conflict of Interest Concerning a Langley Planning Advisory Board Member

Introduction

Ms. Christy Korrow has requested an opinion in her role as Chair of the Planning Advisory Board concerning LMC 1.25.050 (A) (1). She states the following:

"At the last PAB meeting it was brought up that our member, Maralie Johnson, was in conflict of interest due to the fact that she is a board member of Tiny Houses for Christ (THFC) and the PAB, working per Council’s directive, is working on drafting language that would permit tiny houses in Langley. THFC has the intention of purchasing land in the city limits and building some units for low income residents.

At the outset of the meeting, there was agreement amongst the majority of the board that this appeared to be a conflict and Ms. Johnson recused herself. Upon further examination of the Ethics Code, I now question whether it is necessary for her to recuse from activities undertaken by the PAB wherein we discuss, draft, or recommend to Council tiny house ordinance language.

Clearly these PAB activities will not result in personal or financial benefit for Ms. Johnson, but the question is can it be construed that THFC is a "related party" [SEE 1.25.040 "Definitions"] to Ms. Johnson that will receive "personal or financial benefit." [SEE LMC 1.25.050 (A) (1).]

Please note that the PAB is working under Council’s directive to come up with draft language for the tiny house ordinance, therefore my understanding is that any benefit to THFC came through the Council via their directive to PAB to draft ordinance language and that benefits gained by THFC as a result should not be assigned to the PAB and its members. Additionally, there is no kind of monetary contract in question.

There was also resulting conversation about the value of having a person of expertise on the Planning Board and if we start defining "conflict of interest" too broadly, we will eliminate people with professional expertise and could find ourselves in a position where we are making decisions in a vacuum. Ms. Johnson will be a valuable contributor to the discussion of the subject therefore I want to avoid an unnecessary recusal."
Focus of Opinion

The focus of this advisory opinion considers the following:

Values

1. 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.

2. Diligence-As public servants, we employ the best skills and care in serving the citizens of our community. It is our duty to leave no stone unturned in the pursuit of actions and decisions that will produce the most desirable results for all.

Principles of Conduct

1. 1.25.050 A. Conflict of Interests (Sections 1,3, 5a and 5b) –Regarding proper ethical conduct by volunteer members of a citizen advisory boards who find themselves in conflict with official city duties.

Opinion

Regarding the matter of Ms. Maralie Johnson’s participation as a member of the Langley Planning and Advisory Board (PAB) and as a board member of Tiny Houses in the Name of Christ (THINC) the Ethics Board advises the following.

1. While the PAB is working on draft language that would permit tiny houses in Langley, it is our opinion that because Ms. Johnson also has an obligation to a related party, a conflict of interest does exist for Ms. Johnson as defined by the Principles of Conduct 1.25.050 sections 1,2, 5a and 5b in the Code of ethics. In elaborating, one could conclude that Ms. Johnson may be seen as an advocate for THFC or THINC, who will benefit materially from the proposed permitting action.

2. It is also the opinion of the Ethics Training and Advisory Board that the PAB’s excellent management of this conflict of interest was in accordance with the Code of Ethics and that no ethical misconduct occurred. Although the Ethics Board agrees that Ms. Johnson’s expertise would be valuable in working draft language for the city to permit tiny houses in Langley, the Ethics Code, as written, precludes Ms. Johnson from actively participating in the PAB managing the issue in question.

3. We further consider that (Section 5b) of the code “Officials who have disclosed a conflict of interest that may result in a personal or financial benefit for themselves or a related party shall withdraw from the meeting for the duration of the discussion of the issue that has given rise to the conflict of interest” is applicable. Although somewhat vague, the Ethics Board considers that “withdrawal” is defined as “withdrawal from any discussion, advice or voting.”
Advice

The Ethics Training and Advisory Board is very much aware of the issue of the duality of interest and involvement of members of the City of Langley's volunteer commissions and boards. We understand that the Code as written may prevent some members of said commissions and boards from providing valuable input on issues of importance to the City of Langley and our community. We are committed to considering amendments to the current Code of Ethics to deal with this, and other recently discovered issues, in a more flexible manner. But at present, we are constrained by the Code as written.

Respectfully Submitted,
Ethics Training and Advisory Board

Date: 12/05/2017
Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Date: December 22, 2017
Subject: Proposed Amendments to accompany adoption of the Comprehensive Plan

Purpose
To confirm proposed land use and zoning amendments as part of the Comprehensive Plan approval.

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 of Langley has been working on its update beginning in 2014.

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.

The Comprehensive Plan contains a number of maps which are integral to the policy document. Figure LU-10, Land Use Designation map is included as Attachment No. 1. This map establishes four broad categories of land use: residential, commercial, public service and open space. This map is policy-oriented which is implemented by the official zoning map, a regulatory tool. Future rezonings cannot be inconsistent with the land use designation map. The Growth Management Act requires that development regulations must be made in conformity with its comprehensive plan (RCW 36.70A.120). This includes aligning zoning with the land use designations.

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 on Attachment No. 1 and shown on Attachment No. 2.

The majority of the proposed amendments to the Land Use Designation map and to the zoning map are intended as housekeeping amendments to redesignate and rezone parcels dedicated as parkland and
for one Port of South Whidbey parcel to public use. Four parcels are proposed to be redesignated and rezoned from residential to commercial (neighborhood business). The only comments received were related to the proposed zoning change for the two properties located at 2nd Street and DeBruyn. As well as concerns about the uses and scope of the Neighborhood Business zone itself.

At the November 1st PAB meeting the Board discussed the proposed amendments to change the zoning of the properties identified on Attachments No. 2 and 3 and in particular the proposed zoning changes for four properties located at 2nd and DeBruyn and at 3rd and Park. The Board also began discussing possible amendments to permitted uses and definitions for the Neighborhood Business zone to make them more compatible with the surrounding residential neighborhood. The PAB made the following motion

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.
3 in favor, 1 abstention

Proposed amendments to the Neighborhood Zone are the subject of another staff report and involves a separate process.

The proposed zoning changes for the properties at 2nd and DeBruyn originated in 2014 by the previous property owner. The request was submitted as part of the Comprehensive Plan periodic update. In February 2016 the interim Planning Director presented proposed zoning changes to the PAB including this proposed change. The PAB held a public hearing on February 17, 2016. No comments were made regarding the proposed changes and the recording of the hearing is available on the City website.

The proposed zoning changes for the properties at 3rd and Park originated in the fall of 2017 when the property came up for sale. The Planning Department became aware that the properties are zoned RS5000. However, it has been a commercial use since at least the 1950’s. As a result, the Planning Department proposed that the zoning be amended to Neighborhood Business to reflect the historic use. The previous owners of the property added a no competition clause to prevent it being used as a funeral home in the future thereby limiting the ability of the use being considered non-conforming (LMC 18.32).

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. With the exception of the amplified music and activities at the Machine Shop the Planning Department is unaware of other complaints from adjacent property owners to properties zoned Neighborhood Business.
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.

<table>
<thead>
<tr>
<th>LU-4.1</th>
<th>Focus urban residential and commercial growth in Langley's Urban Growth Area.</th>
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<tbody>
<tr>
<td>LU-4.2</td>
<td>Focus new commercial development in the central business core.</td>
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<tr>
<td>LU-4.3</td>
<td>New commercial development outside of the central business core may be supported when there is no net loss of residential units.</td>
</tr>
<tr>
<td>LU - 4.6</td>
<td>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.</td>
</tr>
<tr>
<td>LU-4.10</td>
<td>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.</td>
</tr>
<tr>
<td>LU-4.13</td>
<td>Approving new commercial development that results in the loss of residential units shall be discouraged.</td>
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<tr>
<td>LU-4.14</td>
<td>New commercial development is strongly encouraged to be mixed use.</td>
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</table>

**Goal LU-5: Economy**

Support and expand the local economy by encouraging new businesses to locate here and assisting existing businesses to thrive.

<table>
<thead>
<tr>
<th>LU-5.1</th>
<th>Encourage development of a wide range of commercial uses to support local residents as well as the needs of the visiting public.</th>
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</thead>
<tbody>
<tr>
<td>LU-10.4</td>
<td>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.</td>
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**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.

The two properties located at 2\textsuperscript{nd} and DeBruyn are suitable for Neighborhood Business uses as there is limited residential uses in close proximity. There are three properties zoned Neighborhood Business to the north; Open Space zoning at Generation Park to the north west; St. Hubert’s Church to the west; Public Use to the south with Whidbey Tel’s property and residential properties to the south east and east.

While the two properties located at 3\textsuperscript{rd} and Park are surrounded by residences on four sides the Planning Department considers the it is suitable for Neighborhood Business zoning as it has been operating as a commercial use for the last 50 or more years. The large assembly hall room in the building does not lend itself to being converted to residential use. The southerly lot is an existing parking lot that can accommodate the parking required for a commercial use. As noted below any specific development proposal is required to meet various parts of the Municipal Code in order to make it compatible with the surrounding residential neighborhood.

The properties are all served by sewer and water or the services run adjacent to the parcels. Therefore, no utilities are required to be extended.

There is limited commercially zoned land available in the CBD and the proposed amendments intend to create opportunities for employment as well as residences. No residences will be lost as a result of the proposed amendments. 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. The draft Comprehensive Plan strongly encourages that new commercial development be mixed use. Facilitating the development of more housing units is a priority for the Planning Advisory Board and City Council.

Rezoning the properties does not approve a specific development proposal. Future development of the properties requires additional approvals as laid out in the Municipal Code. Depending on the scale of the proposal it may be approved administratively or by hearing examiner (LMC 18.27, 18.36.025 & 18.37.070). Design review is also required (LMC 18.34). Other parts of the Municipal Code may also apply depending on the proposed development: Landscaping (LMC 18.22.020); Parking (LMC 18.22.130); Commercial adjacent to residential (LMC 18.22.095); Outdoor storage (LMC 18.22.100); Multi-family development performance standards (LMC 18.25); and Low-Impact Development measures (LMC 15.01.005/425/445/460).

As the PAB is aware proposed amendments to the Neighborhood Zone itself are under discussion due in large part to concerns expressed by residential neighbors regarding the compatibility of uses. The proposed amendments include reducing the uses, establishing a purpose, adding definitions, and adding additional regulations to improve compatibility.

Should Council choose to approve the Land Use designation map (LU-10) as presented but not the zoning amendments the property owners can make a separate application to rezone the properties. As required by the LMC and statute such an application would have to be heard by the hearing examiner.

Should Council choose to amend the Land Use designation map (LU-10) to remove any properties future requests to change the land use designation and amend the Comprehensive Plan would have to be submitted for consideration as part of the City’s optional annual Comprehensive Plan review (RCW 36.70A.120). No time frame has yet been established for this process.

Options
The PAB may recommend to Council:
1. To approve staff’s recommendation;
2. To approve the Land Use Designation map (LU-10) but approve some or none of the proposed zoning amendments;
3. To modify the Land Use Designation map LU-10 to exclude some of the properties and to not consider the proposed zoning amendments.

Conclusion
As the proposed land use designation amendment for parcels numbered one through four on Attachment No. 2 and 3 are housekeeping;
As the proposed land use designation amendment from residential to commercial and proposed rezoning from RS5000 and RS7500 to neighborhood business are generally consistent with the goals and policies in the current and draft comprehensive plan; and
As most of the adjacent uses to the two properties at 2nd and DeBruyn are non-residential: and
As the properties at 3rd and Park have been used for a commercial use for more than 50 years; and
As the Municipal Code requires additional approval of a specific development proposal; and
As the PAB continues to refine the Neighborhood Business zone to improve compatibility with
residential uses.

Recommendation
Staff therefore recommends that the proposed amendments to the Land Use Designation Map LU-10
(Attachment No. 1) move forward with the Comprehensive Plan approval process as well as the
proposed rezoning of the properties shown in Attachments No. 2 and 3.
### Attachment No.2
**Proposed Zoning Map Amendments**

<table>
<thead>
<tr>
<th>Map Reference</th>
<th>Parcel Reference</th>
<th>Current Zone</th>
<th>Proposed Re-Zone</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>S8250-00-00014-0</td>
<td>Central Business</td>
<td>Public Use</td>
<td>Port of South Whidbey</td>
</tr>
<tr>
<td>2</td>
<td>S8526-00-0000B-0</td>
<td>RS7200, RS7200-WS</td>
<td>Public Use</td>
<td>2007 Meadows Wetland</td>
</tr>
<tr>
<td>3</td>
<td>S8525-00-0000B-0</td>
<td>RS7200, RS7200-WS</td>
<td>Public use</td>
<td>2007 Park deeded as part of subdiv</td>
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<td>4</td>
<td>R32902-390-0180</td>
<td>RS7200, RS7200-WS</td>
<td>Public use</td>
<td>Parcel on Woodsong Ln</td>
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<tr>
<td>5</td>
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<td>RS7200</td>
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<td>2dn and DeBruyn</td>
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<tr>
<td>5</td>
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<td>2nd and DeBruyn</td>
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<td>6</td>
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<td>RS5000</td>
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<td>3rd and Park</td>
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<td>3rd and Park</td>
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</table>
Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Date: December 21, 2017
Subject: Proposed Amendments to the Neighborhood Business Zone Uses and Definitions

Purpose
To introduce and discuss proposed changes to the Neighborhood Zone including its purposes, permitted uses, definitions, and other regulations.

Background/Discussion
As part of the Comprehensive Plan Update approval process a SEPA notice was issued on October 2, 2017. This notice identified proposed land use designation and zoning changes for a number of properties. The only comments received were related to the proposed amendments to two properties located at 2nd and DeBruyn. The issues of concern include:

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

These comments have resulted in the proposed amendments to the Neighborhood Business Zone as outlined in Attachments No. 1 and No. 2. Attachment No. 4 details concerns raised the Langley Association of Neighbors Downtown (LAND) group. LAND is requesting consideration of changes to other parts of the Municipal Code including conditional use regulations (LMC 18.28)

The original request to amend the zoning for the properties located at 2nd and DeBruyn was in 2014 and was the subject of at least one PAB meeting and public hearing in February 2016. At the November 1st PAB meeting the Board discussed the proposed amendments to change the zoning of the properties identified above. 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 the Planning Department is 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.

Where a 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.

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. There are various goals and policies in both the current Comprehensive Plan and draft Comprehensive Plan that anticipate the creation of new
commercial uses outside of the Central Business District. Compatibility with adjacent residential uses and sensitive integration are key considerations of these goals and policies as outlined below.

**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.

<p>| LU-4.1 | Focus urban residential and commercial growth in Langley's Urban Growth Area. |</p>
<table>
<thead>
<tr>
<th>LU-4.2</th>
<th>Focus new commercial development in the central business core.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LU-4.3</td>
<td>New commercial development outside of the central business core may be supported when there is no net loss of residential units.</td>
</tr>
<tr>
<td>LU - 4.6</td>
<td>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.</td>
</tr>
<tr>
<td>LU-4.10</td>
<td>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.</td>
</tr>
<tr>
<td>LU-4.13</td>
<td>Approving new commercial development that results in the loss of residential units shall be discouraged.</td>
</tr>
<tr>
<td>LU-4.14</td>
<td>New commercial development is strongly encouraged to be mixed use.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>LU-5.1</th>
<th>Encourage development of a wide range of commercial uses to support local residents as well as the needs of the visiting public.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LU-10.4</td>
<td>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.</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>S-4.1</th>
<th>Economic development should support and encourage reliance, development and expansion of locally-based business and employment opportunities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>S-4.2</td>
<td>Regulatory and economic initiatives should emphasize flexibility and the ability to anticipate and meet evolving employment, technological and economic patterns.</td>
</tr>
</tbody>
</table>
Proposed Amendments to the Neighborhood Business Zone
As previously identified there is no definition of neighborhood business in the current code. Nor is a purpose identified. 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, some uses are removed while others are proposed to be Conditional Uses.

Langley Association of Neighbors Downtown (LAND) submitted recommended changes to the LMC for the NB zone as well as other issues. There suggested amendments to the uses in the Neighborhood Business shown are included in the table in Attachment No. 1. Two of their submissions are included 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 or artisan studio 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 consistent with 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 less impactful to residential neighbors.

The NB retail overlay zone is proposed to be eliminated as it currently applies to three properties located on the north side of 2nd at DeBruyn. This would permit retail use in all NB zones. There is very limited available retail space in the City’s CBD. Retail is also a more compatible use than some other more intensive commercial uses such as restaurant as tend not to have later hours. In any case hours of operation are intended to be limited. Limited retail use appears to be a component of neighborhood business/commercial zone districts from other jurisdictions.

Conditional Uses
Ch. 18.28 regulates conditional uses and require special review to ensure compatibility with permitted uses and the surrounding neighborhood. Conditional use permits are reviewed and either approved or denied by the Hearing Examiner based on the regulation in this chapter and other chapters relevant to the proposed land use. An important aspect 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.

The LMC provides that the conditional use may either run with the land or be personal. Retaining this flexibility is important because if the conditional use was granted to the person only this could significantly hamper the ability to establish a viable use or business on the property as well as impede the long-term viability of a particular land use or business. Also the ownership of a particular business or development could make it impractical that the use run with the person.

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 Planning Department 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.

Conclusion
The proposed amendments to the uses, adding a purpose, and clarifying definitions are intended to address the concerns about lack of compatibility with residential neighbors as well as provide more
certainty for neighbors and future land owners/developers on land that is zoned Neighborhood Business.

Options
The PAB may:
   1. Support the staff recommendation; or
   2. Recommend further revisions to the proposed amendments to the NB Zone.

Recommendation
Staff recommends that the proposed amendments to the Neighborhood Business zone including definitions, purpose, and uses be recommended to Council for its review and to begin the amendment approval process.
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>
<th>NB current</th>
<th>Staff proposed changes</th>
<th>LAND’s suggested changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Dwelling Unit</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
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<tr>
<td>Adult Family Homes</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Artist’s Studio</strong></td>
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<td>Bed and Breakfast Inns</td>
<td>P</td>
<td>P</td>
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<td>CU</td>
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<tr>
<td>Bed and Breakfast Rooms</td>
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<td>P</td>
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<td></td>
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<tr>
<td>Boardinghouses</td>
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<td>CU</td>
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<tr>
<td>Brewery</td>
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<tr>
<td>Campgrounds</td>
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<tr>
<td><strong>School</strong></td>
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<tr>
<td>Cultural Facilities*</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Church*</td>
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<td></td>
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<td>Day Care Centers</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>Foster Homes</td>
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<tr>
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<td>Home Day Care</td>
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<td>LAND's suggested changes</td>
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<td>----------------------------------------</td>
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<td>---------------------------</td>
<td>--------------------------</td>
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<td>Libraries and Museums</td>
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<td></td>
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<td>Lounge</td>
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<td>Multifamily Dwellings</td>
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<td>Mixed Use</td>
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<td>Nurseries, retail*</td>
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<td>Public Market</td>
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<td></td>
</tr>
<tr>
<td>Personal Services *</td>
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<td>Public Facilities</td>
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<td>Public Parks and Open Space Areas</td>
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<td>Schools and Grounds, Administrative Offices and Related Facilities</td>
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<td>Retail *</td>
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<td>Retreat/Conference Center</td>
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<td>Senior Retirement Facilities</td>
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<tr>
<td>Service Stations*</td>
<td>CU</td>
<td>CU</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Land Uses</td>
<td>CB</td>
<td>NB current</td>
<td>Staff proposed changes</td>
<td>LAND's suggested changes</td>
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<td>---------------------------------</td>
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<tr>
<td>Single-Family Dwellings</td>
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<td>Social and Recreational Facilities *</td>
<td>P</td>
<td>P</td>
<td>CU</td>
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<td>Social Service Facilities *</td>
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<td>Type III Home Occupations</td>
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<tr>
<td>Veterinary Clinics for Small Animals</td>
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<td>Wellness Retreat</td>
<td>CU</td>
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<tr>
<td>Winery</td>
<td>P</td>
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<tr>
<td>Winery Bar *</td>
<td>P</td>
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<td>X</td>
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<tr>
<td>Wireless Communication Antenna Arrays</td>
<td>S</td>
<td>S</td>
<td></td>
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</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, 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.)

Neighborhood Business

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)

Service Station means a place used for the repair, servicing and/or supplying of gasoline and oil for motor vehicles. (existing)

Service Station means the use of land, buildings or structures for the retail sale of motor fuels, electricity from electric charging stations, and lubricants, and specifically excludes specialty repair shops, such as brake or muffler repair shops, or automotive body repair (proposed) (Municipality of North Cowichan, BC)

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></th>
<th>Recommended by City Planner</th>
<th>LAND Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bed and Breakfast Inns</strong></td>
<td>P</td>
<td>CU*</td>
</tr>
<tr>
<td><strong>NOTES:</strong> Must be subject to requirements for onsite parking, density, height, and lot coverage</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Brewery/Brewpub</strong></td>
<td>CU</td>
<td>X</td>
</tr>
<tr>
<td><strong>NOTES:</strong> 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.</td>
<td></td>
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</tr>
<tr>
<td><strong>Cultural Facilities</strong></td>
<td>P</td>
<td>CU*</td>
</tr>
<tr>
<td><strong>NOTES:</strong> 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</td>
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<tr>
<td><strong>Health Clubs</strong></td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td><strong>NOTES:</strong> another use subject to considerations of scale and neighborhood impact</td>
<td></td>
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<tr>
<td><strong>Hotels, Motels</strong></td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td><strong>NOTES:</strong> To be economically viable, we believe the scale required for either use will exceed the desired limits on parking, traffic, building size, etc.</td>
<td></td>
<td></td>
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<tr>
<td>Use</td>
<td>Zoning</td>
<td>Notes</td>
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<td>----------------------</td>
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</tr>
<tr>
<td>Lounge</td>
<td>CU</td>
<td>X</td>
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<tr>
<td>Mixed Use</td>
<td>P</td>
<td>CU*</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>
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<tr>
<td>Nursing Homes</td>
<td>P</td>
<td>CU*</td>
</tr>
<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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<tr>
<td>Restaurant</td>
<td>CU</td>
<td>CU*</td>
</tr>
<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>
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<td></td>
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<tr>
<td>Retail</td>
<td>P</td>
<td>CU*</td>
</tr>
<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>
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<tr>
<td>Retreat/Conference Center</td>
<td>P</td>
<td>X</td>
</tr>
<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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<td></td>
</tr>
<tr>
<td>Senior Retirement Facilities</td>
<td>P</td>
<td>CU*</td>
</tr>
<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>
<td></td>
</tr>
<tr>
<td>Service Stations</td>
<td>CU</td>
<td>X</td>
</tr>
</tbody>
</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></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>CU</td>
<td>X</td>
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</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>
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<tbody>
<tr>
<td></td>
<td>CU</td>
<td>X</td>
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</tbody>
</table>

NOTES: As noted above, should be treated same as Tavern
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 21, 2017

Purpose
To consider making a request to the Washington State Building Code Council (SBCC) that the City of Langley be considered a pilot city to adopt the 2018 International Residential Code (IRC) Appendix Q for Tiny Homes.

Background/Discussion
The PAB has been discussing the concept of Tiny Homes and how this type of development can be integrated into the Langley Municipal Code. Building professionals have been discussing that the building code needs to be revised to include provisions for tiny homes and tiny homes advocates have drafted a policy document referred to as IRC Appendix Q. This document introduces a set of definitions of terms to the code and primarily addresses dimensions of habitable lofts, and safe access to and egress from them.

Each of the International Bode Council’s building codes is updated on regular three-year cycles. The next update is scheduled for adoption by the WA SBCC in approximately July 2018. It is possible for a jurisdiction to adopt the approved appendix (with or without modification) ahead of publication if it determines the need is sufficiently urgent. However, this can only be done with permission by the WA SBCC.

Appendix Q is the basis of the draft Tiny Home ordinance that some PAB members have been working on. Staff have discussed the draft ordinance internally and it was suggested that we make this request. Appendix Q is in Attachment No. 1 of this report.

Recommendation
To recommend to Council that the City make a request to the Washington State Building Code Council that the City of Langley be considered as a pilot city to adopt Appendix Q as part of its building code.

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APPENDIX Q
TINY HOUSES
(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AV101
GENERAL

AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with the International Residential Code except as otherwise stated in this appendix.

SECTION AV102
DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the International Residential Code for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

LANDING PLATFORM. A landing measuring two treads deep and two risers tall, provided as the top step of a stairway accessing a loft.

LOFT. Any floor level located above the main floor and open to it on at least one side, with a ceiling height less than 6 feet 8 inches (2032 mm), complying with the area, access, and guard requirements of Section AV104, and used as a living or sleeping space.

TINY HOUSE. A dwelling which is 400 or less square feet (37 m²) in floor area excluding lofts.

SECTION AV103
CEILING HEIGHT

AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height not less than 6 feet 4 inches (1930 mm). No obstructions shall extend below these minimum ceiling heights including beams, girders, ducts, lighting, or other obstructions.

Exception: Ceiling heights in lofts are permitted to be less than 6 foot 8 inches (2032 mm).

SECTION AV104
LOFTS

AV104.1 Minimum loft areas. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²)
AV104.1.2 Minimum dimensions. *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a *loft* with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

**Exception:** Under gable roofs with a minimum slope of 6:12, portions of a *loft* with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from *lofts* shall be of any type described in Sections AV104.2.1 through AV104.2.4

AV104.2.1 Stairways. Stairways accessing *lofts* shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5

AV104.2.1.1 Width. Stairways accessing a *loft* shall not be less than 17 inches (432 mm) in clear width at all points at or above the permitted handrail height. The minimum width below the handrail shall not be less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a *loft* shall not be less than 6 feet 2 inches (1880 mm) measured vertically from the sloped line connecting the tread nosings in the middle of the tread width.

**Exception:** The headroom for *landing platforms* shall not be less than 4 feet 6 inches (1372 mm).

AV104.2.1.3 Treads and Risers. Risers for stairs accessing a *loft* shall be a minimum of 7 inches (178 mm) and a maximum of 12 inches (305 mm). Tread depth and riser height shall be calculated with the following formulas:

- Tread depth = 20 inches (508 mm) minus \(\frac{4}{3}\) riser height
- OR
- Riser height = 15 inches (381 mm) minus \(\frac{3}{4}\) tread depth

**Exception:** *Landing platforms* shall measure two treads deep and two risers tall.

AV104.2.1.4 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.5 Stairway guards. *Guards* at open sides of stairways shall comply with Section R312.1.

AV104.2.2 Ladders. Ladders accessing *lofts* shall comply with Sections AV104.2.2.1 and AV104.2.2.2.

AV104.2.2.1 Size and capacity. Ladders accessing *lofts* shall have 12 inches (305 mm) minimum rung width and 10 inches (254 mm) to 14 inch (356 mm) spacing between rungs.
Ladders shall be capable of supporting a 200 pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm).

**AV104.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**AV104.2.3 Alternating tread devices.** *Alternating tread devices* accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**AV104.2.4 Ships ladders.** *Ships ladders* accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**AV104.3 Loft guards.** *Loft guards* shall be located along the open side(s) of *lofts* located more than 30 inches (762 mm) above the main floor. *Loft guards* shall be not less than 36 inches (914 mm) in height or one-half the clear height to the ceiling, whichever is less.

**SECTION AV105**

**EMERGENCY ESCAPE AND RESCUE OPENINGS**

**AV105.1 General.** *Tiny houses* shall meet the requirements of Section R310 for *emergency escape and rescue openings*.

**Exception:** *Egress roof access windows* in *lofts* used as sleeping rooms shall be deemed to meet the requirements of Section R310 where installed with the bottom of their opening no more than 44 inches (1118 mm) above the loft floor.
COMMENTER'S REASON

During the Committee Action Hearings in Kentucky, IRC Committee members explained their disapproval of RB168-16, but also their support for addressing the issue of small houses. In the published reasons the Committee stated “The issue of small houses and apartments is important,” and that “The IRC needs to address them in some fashion.” They encouraged further development of the proposal, stating “There needs to be a more comprehensive approach”, and that “The concept of smaller houses may be more suited for an appendix.”

This Public Comment follows the Committee’s advice by replacing the original piecemeal proposal with a proposed appendix that takes a “more comprehensive approach”. It also reduces the 500 square foot threshold for “small houses” in the original proposal to the widely accepted threshold of 400 square feet for “tiny houses”. At that smaller size there is increased difficulty in meeting certain dimensional requirements of the IRC; however, through years of practice by tiny house advocates and years of extensive use of comparably sized “recreational park vehicles” governed by ANSI A119.5, safe alternative dimensions and other requirements have been established that are included in the proposed appendix.

In the published reasons the Committee finally noted that “Small houses are a growing concern, [and] the demand for them is increasing.” The reasons for that growing demand are both environmental and financial in nature. Below are statistics illustrating problematic housing trends, the environmental impacts of construction, the cost of home ownership, and how tiny houses can be a part of the solution. That is followed by specific reasons for the code language in the proposed appendix.

- The average home size in the U.S. increased 61% since 1973 to over 2600 square feet. In that time period the average household size decreased, leading to a 91% increase in home square footage per inhabitant (1000 SF per person) (source: US Census Bureau).
- The average house in the U.S. uses approximately 17,300 board feet of lumber and 16,000 square feet of other wood products. A 200 square foot tiny house uses only 1,400 board feet of lumber and 1,275 square feet of additional wood products. The lifetime conditioning costs can be as low as 7% of a conventionally sized home.
- United States Green Building Council (USGBC), the California Energy Commission (CEC), and other entities are working hard to increase energy efficiency in the construction industry. This is a great start, however a reduction in home size is the easiest way to lower energy consumption.
- National home ownership fell to 63.7% in 2015, the lowest level in two decades. Increased housing cost is cited as the main reason for low ownership rate. (source: Joint Center for Housing Studies (JCHS) at Harvard University)
• The average home in the United States costs approximately $358,000 to build, an increase of roughly $200,000 since 1998, whereas the average annual income in the United States has remained unchanged for the last several years, lingering near $52,000. (source: US Census Bureau)

• The average American spends roughly 27% of their annual income on housing (nearly 11 hours of every 40-hour work week). 48% of households making less than $30,000 annually pay more than half of their income on housing, leaving these households less than $15,000 a year to purchase food, health care, education, clothing, and anything else. (source: JCHS)

• The cost of new construction for a 200 square foot tiny house can be as low as $35,000. A typical down payment on an average-sized house is $72,000, more than twice the full cost of a tiny house.

• Cities benefit from tiny house ordinances. With significant need for affordable housing, cities are hard-pressed to find solutions that quickly expand their low-income housing stock without burdening an already burdened system. Tiny houses can be quickly installed in municipalities and set up at little or no cost to the cities.

• Although not addressed in the proposed code language of this public comment, it is important to recognize the need for codes pertaining specifically to movable tiny houses. For some people, homeownership is heavily impacted by the cost of land and even the construction of a fixed tiny house becomes unattainable. For those individuals, the presence of movable tiny houses in the building code may create their only path to home ownership. The flexibility of a movable tiny house allows individuals to locate their homes in areas of community living or on ancillary home sites, without the burdensome cost of a single-family lot. It also allows them to take their home with them should they need to relocate, thus eliminating many typical costs of moving.

Tiny houses can play an important role in minimizing the environmental impacts of housing while providing safe and healthy homes at affordable prices. Pride of ownership improves neighborhoods and community morale. Tiny houses enable more people to become homeowners and contribute to their communities.

REASONS FOR DEFINITIONS:

EGRESS ROOF ACCESS WINDOW. Most manufacturers use this term for their skylights and roof windows that are designed to satisfy the dimensional requirements of emergency escape and rescue openings in U.S. building codes.

LANDING PLATFORM: The design in this definition has demonstrated in practice to allow for the safe transition between stairways and lofts. The large tread depth provides
adequate standing space while the tall riser allows for a simple transition between standing and kneeling when entering or exiting the loft. (See photos)

**LOFT.** This definition is a modified version of the definition of loft area in Section 1-3 of ANSI A119.5 Recreational Park Trailer Standard and differentiates a loft from a mezzanine and habitable attic within this code.

**TINY HOUSE.** This definition is based on the widely accepted maximum square footage for tiny houses in the construction industry.

**REASONS PER SECTION:**

**AV103. CEILING HEIGHT:** The minimum ceiling height for non-loft habitable spaces in this proposed appendix is 6 feet 8 inches. Though lower than the 7 foot minimum for habitable spaces in the IRC, it is higher than the minimum of 6 feet 6 inches in Section 5-3.5.4 of ANSI A119.5 Recreational Park Trailer Standard, that has proven to provide safe and adequate head room during the extended occupancy of recreational park trailers.

**AV104 LOFT:** Tiny houses have considerably smaller footprints and building height than conventional houses. As such, lofts are essential to maximize the use of space in tiny houses and make them viable shelter for many individuals and families.

It is common knowledge to many building inspectors that spaces labeled “non-habitable storage” in dwellings of all sizes are sometimes used for sleeping or other habitable purposes once the final inspection is complete. Rather than being unable to enforce a falsely stated use, building departments could regulate the health and safety of those spaces for their intended use with the proposed appendix, ensuring health and safety with minimum loft dimensions, requirements for access and egress, and proper emergency escape and rescue openings.

**MINIMUM AREA and MINIMUM DIMENSIONS:** Lofts in tiny houses are small by necessity; however, minimum dimensions are required for lofts used as a living or sleeping space, so as to not impose a risk to occupant health and safety.

**HEIGHT EFFECT ON LOFT AREA:** For most roof designs in tiny houses, a minimum ceiling height of 3 feet has proven adequate in sleeping lofts for consideration of their required floor area. For gable roofs with moderate to high slopes, the slope has an aggressive impact on the loss of ceiling height but makes up for it with higher areas under the ridge. Thus lofts under gable roofs with a minimum 6:12 slope have a lesser minimum ceiling height when calculating their required floor area.

**STAIRWAY WIDTH:** These dimensional requirements are identical to those in Section 5-10.4.1.1 of ASNI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

**STAIRWAY HEADROOM:** Because tiny houses are limited in square footage and height, IRC compliant head heights for stairs serving lofts are often not achievable. Therefore the stair headroom requirement has been reasonably reduced to 6 feet 2 inches. The inclusion of the “double tread/riser” landing platform design, with its own headroom requirement, allows for a safe transition from standing height to kneeling height, making for safe access to and egress from the loft.
STAIRWAY TREAD/RISER: This is identical to the requirements for treads/risers in Section 5-10.4.1.1 of ANSI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

STAIRWAY LANDING PLATFORM: This defines the specific, technical parameters of a landing platform in terms of height, depth, and measurement locations.

LADDERS: This is identical to the requirements for ladders in Section 5-10.5 of ANSI A119.5. This provision is considered and proven safe for extended occupancy of recreational park trailers.

ALTERNATING TREAD DEVICES: Alternating tread devices as described in the IRC, are allowed to provide access to and egress from lofts.

SHIPS LADDERS: Ships ladders as described in the IRC, are allowed to provide access to and egress from lofts.

LOFT GUARDS: The height requirement for loft guards is identical to that for guardrails in Section 5-10.7 of ANSI A119.5.

AV105 EMERGENCY ESCAPE AND RESCUE: Due to the considerably smaller footprints of tiny houses, ceiling heights in sleeping lofts therein are often necessarily lower than minimum ceiling heights required by the IRC for sleeping rooms in larger houses. Egress roof access windows (which are specifically designed to meet the dimensional requirements of emergency escape and rescue openings) can be installed with their openings within 44 inches of the loft floor, thus meeting the requirements of Section R310 when wall mounted windows meeting these requirements are not possible.

BIBLIOGRAPHY:
ANSI A119.5 Recreational Park Trailer Standard - 2009 Edition