City of Langley
Planning Advisory Board
AGENDA
March 7, 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 February 7th meeting
5. Reminder of Conflict of Interest statement (attached to the back of the agenda)
6. Green Building Ordinance Public Hearing (draft ordinance and one email comment attached)
7. Meredith Penny, Island County Senior Planner, 2017 IC Community Housing Survey presentation
8. Response from the WA State Building Code Council (attached)
9. Tiny Homes (draft framework attached)
10. Comprehensive Plan – next steps
11. Citizen comments
12. Announcements
13. Adjourn

Next Regular Meeting: April 4, 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
February 7, 2018

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

ATTENDANCE
PAB: Thomas Gill, Chair, JR Fulton, Maralie Johnson (alternate), Burt Beusch
Council: Dominque Emerson, Peter Morton
Staff: Brigid Reynolds, Planner, Kelsey Loch, Planning Assistant
Regrets: Rhonda Salerno, Roger Gage

1. Approval of the Agenda
Added agenda item - meeting time/hours

2. Conflict of Interest Statement
The Chair referenced the conflict of interest statement.

3. Minutes
Minutes approved.

4. Comprehensive Plan - Staff Report Public Hearing – January 30, 2018 at 5 pm
Brigid briefly summarized the staff report and spoke briefly about the Comprehensive Plan public hearing.

She clarified comments expressed by Highland residents regarding rezoning the park to public use. The park located in the NW corner of the plat was established with the original plat recorded in 2007. The rezoning is intended to accurately reflect this is a public park and not a residential property.

The staff report contains suggested conclusions of law and facts and findings and summary conclusions. Staff report recommends three changes as follows and one additional change. She explained the intent of the recommended changes.

1. Revise policy LU-7.1 as follows:

| LU-7.1  | Development that increases density (including ADUs, short and long plats) shall not be approved where the necessary infrastructure (sewer, water, stormwater, and roads) cannot accommodate the proposed development or where the City has not required the proponent to pay for or install the necessary infrastructure. |

1 |
This proposed policy change would not require any changes to the Municipal Code as ADU’s are permitted to be built on parcels that are not sewer provided a valid septic permit is issued by Island County.

2. Revise the reference in the Housing element on page 11 as follows:
The densities found in Missing Middle examples range from 16 up to 50 units per acre. The “missing middle” housing typologies found at the lower end of the density scale can fit Langley’s small-town character.

This change is to clarify the housing typologies that are a better fit for Langley’s small town context.

3. Revise policy UCF-1.3 as follows:

| UCF – 1.3 | New development, including long and short subdivisions, site plan approvals, and building permits for new principle residential and all commercial development, are required to be served by sewer and water. (CWPP3.4.4-6) |

This proposed policy change is intended to be consistent with LU-7.1 above.

4. Add a list of acronyms.

JR Fulton moved and Burt Beusch seconded a motion to accept the staff report and recommendations.

The PAB and attendees began discussing the staff report. JR asked for confirmation regarding concerns expressed by some that using language in the Comp Plan such as “include” vs “consider” is contrary to the GMA. Brigid confirmed that this language is not contrary to the GMA.

Burt Beusch read Rhonda Salerno’s email that included suggested amendments to the draft Comp Plan and stated that if these suggestions are not included that the Comprehensive Plan be referred back to staff. The PAB discussed these comments and agreed with two additional revisions to the Comp Plan as follows:

Pg H – 10 (Line 6) Change “the City must” to “the City should”
Pg H – 11 (Line 34) “The existing permitted densities are very low” be revised to add “for incorporated jurisdictions and in Island County” at the end of the sentence.

Brigid clarified that these policies need to be implemented through changes to the Municipal Code and that the background statements and policies in themselves do not permit any specific type of development from proceeding.

PAB discussed the proposed revisions regarding allowing ADU’s on septic and the tensions therein. Board members agreed to leave staff’s recommendation as is and that Council can make the final determination.

After much discussion the Thomas Gill amended the motion and JR Fulton seconded it to accept the three recommendations in the staff report, adding the list of acronyms and include two of Rhonda’s recommendations as outlined above. All in favor.
5. Green Building Ordinance
Brigid reviewed the staff report and proposed ordinance. She confirmed that a SEPA review has been completed and the draft ordinance has been sent to the Dept of Commerce for its review. The next step is to hold a public hearing.

Burt suggested visuals may be helpful at the public hearing.
JR suggested adding another sub-section 18.22.260 D Height to permit an increase in height by 6.5 inches for additional insulting materials similar to the provision for increased wall thickness.

Moved by Thomas Gill and seconded by Burt Beusch to schedule a public hearing to be held at the March 7th regular PAB meeting. All in favor.

6. Wayfinding Project
Kelsey reviewed her staff report and gave a power point presentation summarizing the process, findings and recommendations. She reiterated that a common theme heard from those participating in the conversation the need for both signs and wayfinding features. The latter is identified in her findings and recommendations but the focus of this phase of the project is for signs. Other elements will be included in subsequent phases. The next step is to request to Council that we proceed with a RFP.

A couple of suggestions made by PAB members: establishing an agreement with St Hubert’s Church for parking similar to the other churches and traffic calming/neighborhood demarcation for vehicles entering neighborhoods.

Burt Beusch moved and JR seconded the motion to recommend to Council proceed with I RFP. All in favor.

7. Tiny Homes
Brigid introduced the draft code language that JR and herself have been working on. The draft includes elements from the ADU code, cottage housing code and Rockledge, FL tiny home code. Board members were asked to review the draft and be prepared to discuss it at the next PAB meeting.

Maralie Johnson, member of the Tiny Homes in the Name of Christ, non-profit did not participate in the discussion.

8. Meeting time/dates
Brigid asked if it is possible to increase the length of the meeting or add a second meeting. This request is a result of the last few meetings where we haven’t been able to get through the whole agenda and we expect to have a lot of work to do with beginning Comp Plan implementation.

PAB members agreed to extend the meeting time from 5 pm to 6 pm.

9. Next meeting
The next meeting will be March 7th.

The meeting was adjourned at 4:48 p.m.
DRAFT GREEN BUILDING ORDINANCE

City of Langley
Langley, Washington

Ordinance No. XXX

An Ordinance of the City Council of the City Council of Langley, Washington, Amending the City’s Building Regulations as Set Forth in Title 15 and the Development Regulations as Set Forth in Title 18 of the Langley Municipal Code by Amending Chapter 18 to Facilitate the Installation of Alternate Energy Production Systems

WHEREAS, on June 18, 2017 the City of Langley became a SolSmart designated city; and

WHEREAS, on September 18, 2017 Council approved a building permit check list to expedite the installation of small solar PV systems and directed staff to prepare an ordinance to reduce barriers and encourage the installation of solar energy generating systems; and

WHEREAS, the Comprehensive Plan approved on XXX includes goals and policies to facilitate the reduction of energy consumption, emission of green house gases and encourages use of alternative energy generating systems; and

WHEREAS, THE City of Langley has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and Langley’s Municipal Code (Chapter 16) by making a determination of nonsignificance on January 18 after providing legally required public notice.; and

WHEREAS, pursuant to RCW 36.70A.106, the ordinance was granted expedited review from the Washington State Department of Commerce on February 1, 2018 in satisfaction of the review requirements of the Growth Management Act; and

WHEREAS, on XXX the Planning Advisory Board (PAB) determined the draft regulations are consistent with the Langley Comprehensive Plan; and

WHEREAS, on XXX a public hearing on the proposed amendments was held before the Planning Advisory Board and all persons wishing to be heard were heard; and

WHEREAS, on XXX following the public hearing the PAB issued written Findings of Fact, Conclusions of Law and Recommendations (“Recommendations”) attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on XXX the City Council in an open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:
Section 1. Chapter 18.01.040 of the Langley Municipal Code, is hereby amended as follows:

By adding the following definitions:

**Green Building System** means (a) equipment that converts, stores, transfers (or combination thereof) energy from a renewable energy source, including equipment used to support solar collectors, small wind energy systems, heat pump systems, waste heat recovery systems, and biomass systems, or (b) equipment that stores and treats (if necessary) rainwater, grey water or both, on site

**Green Roof** means a roofing system that utilizes vegetation over a roof membrane to minimize storm water runoff and reduce heat absorption

**Green Wall** means a permanent or temporary structure affixed to a building wall used for growing and cultivating edible and ornamental plants

**Small Wind Energy System** means the use of land, buildings, or structures for a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than five Kilowatt hours

**Solar Collector** means a piece of equipment designed to absorb solar radiation as a source of energy for generating electricity (solar photovoltaic) or heating (solar thermal system)

Section 2. Chapter 18.09 of the Langley Municipal Code, is hereby amended as follows:

Chapter 18.09 Land Use Table
By adding **Green Building System** as a secondary use in all zone districts

Section 3. Chapter 18.22 of the Langley Municipal Code, is hereby amended as follows:

By adding **Chapter 18.22.250 Green Building Standards**

Purpose:
This section is established to promote clean energy production by citizens and businesses; ensure that green building systems are compatible with the principal structure and development on adjacent properties; provide options to traditional energy use; and promote reduction of energy use within the City.

18.22.255 Setbacks
A. Ground mounted small wind energy systems may be located in any setback provided they are located a minimum of 13 feet from all lot lines and residential buildings or 1/2 the setback distance, whichever is greater.
B. Ground mounted solar collectors shall meet setback requirements for the front and side yards for accessory structures in the zone district in which it is located and may be located in the rear yard provided they are located a minimum of 1/2 the setback distance.
C. Green walls can project into a building setback by 2 feet.
D. Rainwater collecting structures, equipment and apparatus, including rain barrels and cisterns, that do not require a building permit may be sited within the required building setbacks.
E. Where exterior wall thickness is in excess of 6.5 inches provided that the wall thickness is utilized for the provision of insulating materials and/or protection against wind, water and vapor, the minimum distance to an abutting lot line as permitted elsewhere in the Code may be reduced by 10 inches

18.22.260 Height
A. Solar Collectors may exceed the maximum height regulations in this Code to a maximum of 4 feet
   (i) provided that the installation does not shade an existing Solar Collector or properties on January 21st, at noon, any more than would a structure built to the maximum permitted elsewhere in this Code;
   (ii) projects no greater than 4 feet above a flat roof; and
   (iii) projects no greater 1 feet above a pitched roof.
B. Green Roofs may exceed the maximum height regulations in this Code to a maximum of 1.5 feet
   provided the installation is limited to a depth of 1.5 feet.
C. Small wind energy systems may exceed twice the maximum height permitted for the zone district in which it is located.

18.22.265 Solar Access
A. To protect solar access for properties to the north, rooftop features on any building 30 feet in height, shall be located at least 10 feet from the north edge of the roof, or shadow diagrams shall be provided to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk.

18.22.270 Maximum Lot Coverage
A. Ground mounted solar collectors are excluded from lot coverage calculations.

Section 4. Chapter 18.25 of the Langley Municipal Code, is hereby amended as follows:

By deleting the following sections:

18.25.020 C In order to protect solar access for property to the north, the applicant shall either locate rooftop features at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk.

18.25.060 C. Solar collectors are permitted in required setbacks.

Section 5. Chapter 18.34 of the Langley Municipal Code, is hereby amended as follows:

18.34.030 Scope is hereby amended as follows:
subsection B. “Development” means any improvement to real property open to exterior view including, but not limited to, buildings, structures, fixtures, landscaping, site screening, parking lots, lighting, pedestrian facilities, street furniture and improvements (not to include street maintenance), use of open areas, whether all or any are publicly or privately sponsored, and signs (per Chapter 18.35). Included in this definition are modifications of a substantial nature to existing buildings, including changes to structural components and changes in the exterior size of buildings, but does not include color changes. “Development” does not include underground utilities. All development by the city and other public agencies shall be subject to design review with the exception of development within a public street right-of-way. Development by the city within street rights-of-way shall be subject to advisory review and recommendation by the design advisory board for consideration by the mayor and city council in approving the project.

By adding subsection B. 1. For the purpose of this chapter, Development does not include underground utilities, color changes to the exterior of building; roof-mounted green building systems and ground mounted green building systems in rear yard setbacks.
Hello Brigid - Thanks for helping me find the draft ordinance. I have a couple of questions, or maybe comments.

- In the definitions, it currently reads: **Small Wind Energy System** means the use of land, buildings, or structures for a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than five **Kilowatt hours**. I think it's supposed to be Kilowatts, not Kilowatt hours.

- Noting that I'm not an architect or engineer and so not particularly technical, I'm wondering whether any of the proposed measures qualifies for credits (attached) in the State Energy Code for residential buildings (for example, thermal solar.) And, if so, should there be a cross reference - or perhaps some reference to the State Energy Code in the "whereas" section acknowledging consistency with the energy code, similar to the reference to the GMA?

- No mention is made in the draft ordinance as to whether it applies to residential or commercial or both; would it be useful to clarify?

Thanks!

Kim Drury

[http://www.energy.wsu.edu/Documents/Table_406.2_2015_Energy_Credits.pdf](http://www.energy.wsu.edu/Documents/Table_406.2_2015_Energy_Credits.pdf)
February 27, 2018

Brigid Reynolds MCP, MCIP, RPP
Director of Community Planning
City of Langley
112 Second Street
Langley, WA  98260

Dear Ms. Reynolds

RE: IRC Appendix Q for Tiny Homes

I am in receipt of your January 19, 2018 letter to Richard Brown, Managing Director of the State Building Code Council. We are uncertain what you are trying to achieve by adopting Appendix Q. The only room dimensions Appendix Q relaxes are for a loft.

Unfortunately, per WAC 51-04-030 we cannot accommodate your request as submitted:

WAC 51-04-030

(4) It is the policy of the council to encourage joint proposals for local government residential amendments from more than one jurisdiction. Local government residential amendments submitted to the council for approval shall be based on:

(a) Climatic conditions that are unique to the jurisdiction.

(b) Geologic or seismic conditions that are unique to the jurisdiction.

(c) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.

(d) Life, health, or safety conditions that are unique to the local jurisdiction.

(e) Other special conditions that are unique to the jurisdiction.

EXCEPTION: Local government residential amendments to administrative provisions (departmental operational procedures) contained within the state building code need not be submitted to the council for review and approval provided that such amendments do not alter the construction requirements of those chapters.
Your proposal does not appear to fall under any of the conditions required for an amendment to be approved.

It is the desire of the Council to approve amendment requests when possible, and if there is a unique condition applicable to Langley as defined in WAC 51-04-030, please let us know. If we can get past the uniqueness requirement, there are also administrative problems with wholesale adoption of Appendix Q, which will not be implementable until July of 2020, if at all. If there are specific features of Appendix Q that you desire, perhaps there are other ways to accomplish the goal.

The Council hopes, working together, we can find a solution.

Sincerely,

[Signature]

Doug Orth, State Building Code Council Chair

Cc: SBCC Members
Draft Tiny Home Ordinance

1. GENERAL
   a. Definition
      A Tiny House is a dwelling unit with a minimum size of 150 square feet and less than 400 square feet of habitable floor area.
   
   b. Building Code
      The International Residential Code for Small Houses Appendix Q (2018), a modified building code shall be allowed for Tiny House construction.
      Must be on a foundation

2. TINY HOME ON A LOT WITH AN EXISTING SINGLE FAMILY OR DUPLEX RESIDENCE
   a. Density
      Where served by sewer a maximum of two Tiny Homes are permitted on a RS zoned lot provided there is an existing single family or duplex residence.
      Where served by septic a maximum of one Tiny House is permitted on a RS zoned lot provided there is an existing single family or duplex residence.
   
   b. Lot coverage
      An additional 10% lot coverage is permitted when it’s a Tiny Home on a lot with an existing single family or duplex residence.

   c. Setbacks
      A Tiny Home must be setback a minimum of:
      Five feet behind the front facade of the principal residence. Except where the principal residence is located more than 25 feet from the front lot line the Tiny Home may be located in front of the principal residence but must be a minimum of 20 feet from the front or street lot line.
      Five feet - side yard
      Ten feet – rear yard

   d. Height
      A maximum height of 15 feet.

   e. Utilities
      Tiny Homes must be connected to sewer and water

   f. Parking
      One on-site parking stall per Tiny Home
      Where there is an alley, parking shall be accessed from the alley.
      Garages shall be located behind the front façade of the principal residence.
Driveway access must be shared by both the principal residence and Tiny Homes

3. TINY HOMES IN A MULTI-UNIT DEVELOPMENT
   a. Density and Minimum Lot Area
      One Tiny Home per 1200 square feet
      The minimum lot area for a Tiny Home multi-unit development is 5000 square feet
   b. Number of Units
      Minimum of 3 to maximum of 12
   c. Setbacks
      Front yard – Shall be an average of 10 feet and at no point shall it be less than five feet.
      Rear yard – five feet
      Side yard – five feet
      Separation between Tiny Homes – six feet
   d. Lot Coverage
      The maximum lot coverage is 50%.
   e. Open Space
      A minimum of 100 square feet of common open space per unit is required. Drive aisle and
parking areas are not included as part of the common open space area.

      The common open space area shall include usable public spaces such as lawn, gardens, patios,
plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all
homes having access to it

      Fifty percent of units must have their main entry on the common open space.

      All units must be within ten feet of each common open space(s). Setbacks cannot be counted
towards the common open space calculation.

      The principal common open space must be located centrally to the project. Additional
common open space can only account for twenty-five percent of the total requirement with
trails and pathways connecting the total development. Passive trails are allowed and may
count towards the common open space requirement.

      Community buildings or clubhouses can be counted towards the common open space
calculation.

      Tiny Houses must surround the common open space on a minimum of two sides of the green.

      Common open space shall be located outside of stormwater/detention ponds, wetlands,
streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten
percent.
f. Parking
One parking stall per unit. For a development with six or more Tiny Homes the parking ratio shall be 1:6 for visitor parking.

Where there is an alley, parking shall be accessed from the alley.

g. Utilities
Tiny Home multi-unit developments must be connected to sewer and water. They may be permitted one sewer and water connection for a total of 12 Tiny Homes.

h. Other
Tiny Homes are not permitted to be used as tourist accommodation, transient lodging, bed and breakfast room (commercial or residential), AirBnB, VRBO or the equivalent.

The homeowner’s association or land owner shall be responsible for maintenance of open space and utilities.

Prior to approval covenants, deeds and homeowners’ association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property shall be submitted to the Planning Official for review and approval. Covenants and bylaws shall also prohibit the Tiny Homes from being used as tourist accommodation, etc.

These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be completed and be recorded, as applicable, with the county auditor as a condition prior to final approval and/or the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners’ association may be recorded simultaneously with the filing of the final plat.

ADDITIONAL REGULATIONS/CHANGES
Add Tiny Homes as accessory or secondary use in all RS zones on Table 18.09
Revise 18.22.155 Accessory Dwelling Units to include Tiny Homes.
Ch. 18.36.025 requires Administrative Approval for ADU’s. Amend to include Tiny homes.
Amend definitions
Remove ADUs from Design Review (18.34) definition of development includes ADU