City of Langley
Planning Advisory Board

AGENDA
May 2, 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 April 4, 2018 meeting
5. Conflict of Interest statement (attached to the back of the agenda)
6. Tiny Homes (draft framework attached)
7. Accessory Dwelling Units (staff report attached)
8. Tourist Accommodation (backgrounder attached)
9. Zoning map amendments (to be discussed)
10. Citizen comments
11. Announcements
12. Adjourn

Next Regular Meeting: June 6, 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.
The meeting was called to order at 3:00 PM.

ATTENDANCE
PAB: Thomas Gill, Chair, JR Fulton, Maralie Johnson (alternate), Burt Beusch, Roger Gage
Council: Christie Korrow
Staff: Brigid Reynolds, Planner
Regrets: Rhonda Salerno

1. Approval of the Agenda
The agenda was approved.

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

3. Minutes
Minutes of March 7th meeting were approved.

4. Tiny House
Brigid Reynolds reviewed the draft Tiny Homes ordinance which was amended based on comments received from the PAB at the March meeting.
Additional comments were received regarding:
- Driveway access must be shared by both the principal residence and Tiny Homes, where possible.
- Additional 5% lot coverage provision for community buildings needs also to be referenced in the lot coverage section.
Rhonda suggested a five-year time trial period for the ordinance however the rest of the members did not agree.
The group discussed the foundation requirement and confirmed foundations are required as per the Building Code.

JR Fulton prepared 12 scenarios of Tiny Homes for the PAB’s review and discussion. The drawings were based on Tiny Home units on a 5000 SF lot and were intended to show the density, parking and lot coverage of impervious area relative to a single-family residence on a 5000 SF.
He presented an estimated cost of a 5000 SF lot and the possible unit cost depending on the numbers of units. He also included a matrix summarizing the scenarios.
The group discussed the distinction between density calculation based on units/acre and floor area ratio. Floor area ratio is the measurement of a building’s floor area in relation to the size of the lot, that is building area/lot area.

JR suggested there may be groups we could share the draft ordinance to Tiny Home groups. No final decision was made on this.

The PAB discussed sewer servicing requirements and the Comprehensive Plan clearly requires new development except for single family residences to be connected to sewer.

Next steps:
- Refine the ordinance to make it consistent with the LMC.
- Refer it to our lawyer for a legal review and to DRB for its review.
- Confirm utility rates for Tiny Homes.
- Hold a community meeting to discuss.

5. Accessory Dwelling Units (ADUs)
Brigid reviewed the document that summarizes the existing code and proposed amendments as related to reducing barriers to encourage more ADUs. Proposed amendments are as follows:
- Permit one attached and detached per lot
- Reduce utility connection fees and/or user fees for ADUs used for long term rental.
- Remove covenant requirement for home occupation. Not being required.
- Remove parking requirements for one ADU but require one additional parking stall for two ADUs
- Reduce minimum ADU gross SF from 300 to 150 to match tiny home. This needs some consideration.
- Permit in all RS zones.
- Remove DRB review requirement.
- Based on Comp Plan amend Chapter 13.50.110 D) re. ADU on septic.
- Administrative approval but no notice to neighbors
- Consolidate all ADU regulations in one chapter.
- Permit one ADU on a duplex lot.

The PAB asked if HOA or other entities can prohibit ADUs in their development. The State of California does not allow HOAs to prohibit this use. This is a legal question that will be asked of the City’s lawyer.

JR introduced the concept of a Junior ADU (JADU) which includes an outside door and a room with a sink. This is permitted in the California code. JR will do more research as to how this came about.

The PAB agreed that Brigid should begin drafting an amendment to the Code including the proposed amendments above.

6. Docket Process
RCW 36.70A.130(2) requires that each local government identify procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the City no more frequently than once every year. Langley Municipal Code 18.21.010 B & C) identifies the process by which an annual review of the comprehensive plan shall be undertaken.
The PAB discussed that it would be good to establish a schedule for which proposed amendment applications to the Comprehensive Plan can be made and considered by City Council.

Moved by Roger Gage and seconded by Burt Beusch to establish a schedule allowing amendment applications to the Comprehensive Plan to be made and that period run from June 1 until August 15th beginning in 2018. All in favor.

7. **Tourist Accommodation**

This item was not on the agenda but Brigid asked to introduce the subject as there are increasing numbers of this type of accommodation in the City. She noted that the Municipal Code does include regulations for this use in the different zones. The Code identifies different types of bed and breakfast uses. However, the Code does not adequately address the ‘new’ type of tourist accommodation for example, Air BnB and as a result there is confusion. There is the issue that many people who are operating tourist accommodation or short-term rentals are not seeking prior approval from the City, have not applied for a business license and are not pay lodging tax. This use is also impacting long term rentals. The issue of enforcement was discussed as well as the equity where some people are going through the process and others are not.

The PAB discussed these issues and agreed that it is a subject that warrants further examination and possible Code amendments.

Brigid will provide more details at the next meeting for further discussion.

8. **Announcements**

Roger Gage announced that this will be last PAB meeting and that he will submit his formal resignation to the Mayor.

The meeting was adjourned at 4:45 p.m.
DRAFT TINY HOME ORDINANCE

4/27/2018

1. GENERAL
   a. Definition
      A Tiny House is a dwelling unit with a minimum size of 150 square feet and less than 400 300 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.
      i. Habitable rooms shall meet minimum dimensional requirements including: a floor area of not less than 70 square feet; 7-foot clear horizontal dimension in any direction, and a ceiling height of not less than 7 feet (the height can be reduced in rooms and areas with sloped ceilings).
      ii. Be supported and anchored to a permanent foundation.
      iii. Shall include permanent provisions for living, sleeping, eating, kitchen and sanitation (water closet, lavatory, and a bathtub or shower).

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 5% lot coverage is permitted for 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:
      i. 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 10 feet from the front or street lot line provided the front door does not face the street.
      ii. Side Yard: five feet
      iii. Rear Yard: ten feet

   d. Height
A maximum height of 15 feet.

c. **Utilities**
Tiny Homes must be connected to sewer and water.

f. **Parking**
   i. One on-site parking stall per Tiny Home.
   ii. Where there is an alley and where possible, parking shall be accessed from the alley.
   iii. Garages shall be located behind the front façade of the principal residence.
   iv. Driveway access must be shared by both the principal residence and Tiny Homes, where possible.
   v. New attached and detached garages shall be located behind the front façade of the principal residence.

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**
      i. Front yard – Shall be an average of 10 feet and at no point shall it be less than five feet.
      ii. Rear yard – five feet
      iii. Side yard – five feet
      iv. Separation between Tiny Homes – six feet
   d. **Lot Coverage**
      i. The maximum lot coverage is 50%.
      ii. Additional 5% lot coverage is permitted for community buildings.
   e. **Open Space**
      i. 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.
      ii. 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.
      iii. Fifty percent of units must have their main entry on the common open space.
      iv. All units must be within ten feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.
v. 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.

vi. Community buildings or clubhouses are not counted towards the common open space calculation. An additional lot coverage of 5% is permitted for community buildings.

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

viii. 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
   i. One parking stall per unit. For a development with six or more Tiny Homes the parking ratio shall be 1:6 for visitor parking
   ii. Where there is an alley and where possible, parking shall be accessed from the alley.

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

h. Other
   i. 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.
   ii. The homeowner’s association or land owner shall be responsible for maintenance of open space and utilities.
   iii. 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.
   iv. Covenants and bylaws shall also prohibit the Tiny Homes from being used as tourist accommodation, etc.
   v. 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

Highlighted text was added based on PAB discussion on 3/7/2018 and 4/4/2018
Staff Report

To:        Planning Advisory Board
From:     Brigid Reynolds, Director of Community Planning
Date:  May 2, 2018

Purpose
To review proposed amendments to Chapter 18 and 13 regarding Accessory Dwelling Units (ADU’s).

Background
The PAB has been discussing various amendments to the Langley Municipal Code in efforts to reduce barriers to facilitate the construction of more housing with a focus on sensitive infill that fits within the character of the City’s existing neighborhoods. As the PAB is aware there is a housing crisis in Langley, south Whidbey Island and the larger region. There is a particular lack of affordable rental housing in particular for workers in our community. This is a complex problem that requires a multi-pronged approach. The proposed code amendments related to ADUs isn’t going to solve the affordable housing problem but is a part of the solution.

As a small city we are limited in our ability to facilitate or incentivize the development of more (affordable) rental housing. Therefore, encouraging infill and the development of accessory dwellings is an important part of the puzzle.

The recently adopted Comprehensive Plan (2018) includes numerous goals and policies that encourage and support accessory dwelling units and reducing barriers to them being developed. An excerpt from the Comprehensive Plan of the related goals and policies is in Attachment No. 1.

ADU regulations were added to the Zoning Code in 1995 by Ordinance 696 with almost no amendments since that time.

Discussion
The joint publication between MRSC and AWC Homelessness & housing toolkit for cities (2017) identifies ‘revising city regulations to encourage accessory dwelling units’ as one strategy for cities to increase affordable housing units. The document states that while cities and counties
have regulations to accommodate this type of housing the standards tend to be onerous and therefore these standards require review and revision to reduce the barriers.

Accessorydwellings.org is a website that is a tremendous source of information regarding ADUs. It contains a wide breadth of information directed at different audiences ranging from individual homeowners interested in constructing their own ADU to community groups, researchers and local government policy makers. One of the founders, Eli Spevak, gave a presentation in the City of Langley in October 2016 where he discussed his work developing small home communities. The group has also prepared a model ADU code, which was reviewed for Langley’s proposed amendments.

ADUs can provide a number of benefits including
- Provision of workforce housing
- Benefits home owners as a mortgage helper,
- Provide care and support for family members in a semi-independent living arrangement
- Efficient use of services

Some of the concerns expressed about ADUs are the impacts to the neighborhood and neighbors in particular parking and impacts to neighborhood character. As noted above ADUs have been permitted in Langley since 1995 and to my knowledge there have been very few concerns or complaints received about this type of housing.

The draft ordinance is in Attachment No. 2 to this report. This is a summary of the proposed changes:
- Permit one attached and detached ADU per lot
- Remove covenant requirement
- Remove parking requirements for one ADU but require one additional parking stall for two ADUs
- Reduce minimum ADU gross SF from 300 to 150 to match tiny home.
- Remove DRB review requirement.
- Based on Comp Plan amend Chapter 13.50.110 D) re. ADU on septic.
- Administrative approval but no notice to neighbors

The draft ordinance also recommends deleting the guest house definition. Guest house was added as a secondary (accessory use) in the RS zone districts by Ordinance No. 597 in 1991. It was also defined in that ordinance. The guest house use was repealed by Ordinance No. 1004 in 2014 but the definition was not. Keeping the definition creates confusion as it is no longer a secondary use and was explicitly removed in 2014. In addition, the definition contains various regulations within it. This is problematic as regulations for permitted or secondary uses should be found elsewhere in the Zoning Code and not in the definition itself.
Unresolved issues

The unresolved issues identified by staff are utility fees, establishing an amnesty for existing unpermitted ADUs, and aligning the ADU amendments with the proposed Tiny Home ordinance. PAB members may identify additional issues.

Utility Fees

The connection or participation fees for water for ADUs is 50% of the fees for a single-family residence. Sewer connection/participation fees are not explicitly 50% those of a single-family residence. The fees need to be clarified to create certainty for anyone intended to install or construct an ADU.

Amnesty

There are some ADUs that have been installed or constructed without a building permit or administrative approval. To regularize these units the City could establish an amnesty period whereby these units could be permitted and regularized. One of the requirements of this process would be to confirm the units meet basic life/safety requirements pursuant to the International Building Code. To proceed with this initiative a timeline and process would have to be established.

Tiny Homes

This issue is under discussion as part of the Tiny Home ordinance.

Process

The following briefly outlines the amendment process for accessory dwelling units:

- Refine amendments with PAB and DRB
- Hold a community open house to receive input into the proposed amendments
- Complete a legal review
- SEPA determination
- Department of Commerce review
- Public hearing

Recommendation

To confirm the proposed amendments and recommend moving forward with the draft.
Attachment No. 1

Comprehensive Plan (2018)
Goals and Policies

Goal LU-4: Distribution of Land Uses
The location of different land uses and housing densities shall reflect an efficient distribution of public infrastructure and accommodate future growth projections.

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<th>LU-4.4</th>
<th>Higher density development is permitted in single family neighborhoods when integrated in a sensitive manner.</th>
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<td>LU-4.8</td>
<td>Support innovative strategies that facilitate the development of a range of affordable housing options. Such strategies may include clustered residential developments, density bonuses for developments that include “affordable” units/ lots, accessory dwelling units, cottage housing developments, multi-family as a conditional use in single family neighborhoods, and inclusionary zoning.</td>
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Goal LU-7: Public Facilities and Services
Coordinate the orderly provision of sewer, storm and water infrastructure and other public utilities to serve public and private development throughout the entire City in a manner that is consistent with the fiscal resources of the City.

| 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. |

Goal H-1: Innovative and Diverse Housing
Work to provide a mix of housing in Langley and facilitate residential development in the form of single-family homes, duplexes, condominiums, apartments, townhouses, tiny homes, ADU’s, housing that allows people to age in place, and other innovative forms of housing.

| H- 1.1  | Include more flexible development standards to increase housing diversity and affordability including but not limited to:  
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<td>• Reducing minimum lot sizes</td>
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<td>• Increasing density on single family zoned lots</td>
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<td>• Reducing lot lines to zero for attached multi-family housing</td>
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<td>• Reducing maximum lot size for clustering</td>
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<td>• Increasing lot coverage for small lots, accessory dwelling units, and multi-family lots</td>
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<td>• Reducing setbacks</td>
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<td>• Narrowing street widths</td>
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<td>• Permitting shared or common parking between dwellings.</td>
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**Goal H-2: Character and Density**
Seek opportunities to ensure that various types and densities of housing are permitted in sufficient numbers to meet projected housing needs, while maintaining the character of existing neighborhoods.

| H - 2.2 | Encourage attached and detached ADUs in residential zones provided character, scale, and appearance are consistent with the existing dwelling unit. |

**Goal H-4: Housing Affordability**
Enable the opportunity for affordable housing for a diversity of residents within the city of Langley.

| H - 4.1 | Explore innovative techniques that enable increased housing affordability including but not limited to long term rentals of accessory dwelling units (ADU), a housing trust fund, inclusionary zoning, density bonuses, smaller lot size, elimination of minimum lot size with appropriate open space, expediting permit processing, exempting Real Estate Excise Taxes (REET) to qualified sellers; incentives such as reduced or waived connection fees and reduced parking requirements and other provisions to be determined. |
| H - 4.4 | Encourage new Accessory Dwelling Units (ADU) (both attached and detached) that provide long term rentals using incentives such as reduced connection fees and parking requirements, density bonuses, and permitting more than one ADU on the property that must be served by sewer. |
| H - 4.5 | Study the feasibility of developing an amnesty program to allow owners to regularize existing non-permitted ADU’s (both attached and detached). |

**GOAL UCF-1 Utilities and Capital Facilities Planning**
The city and third-party utility providers shall plan for and strive to adequately provide needed capital facilities and utilities to all properties within the city that protect investments in existing facilities, maximizes the use of existing facilities, and promotes orderly and compact growth to accommodate anticipated growth consistent with the community’s goals as identified in the Comprehensive Plan and County Wide Planning Policies.

| UCF - 1.3 | New development, including long and short subdivisions, site plan approvals, and building permits for new accessory dwelling units and commercial development, are required to be served by sewer and water. (CWPP3.4.4-6) |
| a) | Variances or waivers may be considered for new non-residential development or single family residential construction due to topographical constraints or lack of approval by contiguous land owners. |
| b) | Variances and waivers will not be considered for short and long subdivisions. |
c) Where septic systems and wells have been permitted for new development they shall be considered temporary and interim solutions until such time that City sewer and water is available.

**GOAL S – 8 Livable Built Environments**

Ensure that all elements of the built environment, land use, transportation, housing, energy and infrastructure work together to provide sustainable green places for living, working and recreation, with a high quality of life.

| S-8.1 | Focus development and redevelopment on infill sites to take advantage of existing infrastructure. |
Attachment No. 2

Langley Municipal Code
Accessory Dwelling Units
Amendments 4/27/2018

Underline words/phrases are new and crossed-out words are to be removed.

18.01.040 Definitions

“Accessory dwelling unit” means a room or set of rooms either in a single-family residence or a separate building on the same lot as a single-family or duplex residence that has been designed or configured to be used as a separate dwelling unit. The accessory dwelling unit generally includes living, sleeping, kitchen and bathroom facilities and has a lockable entrance door.

“Guest houses” means an accessory, detached building designed exclusively for residential purposes and without any cooking facilities; situated on the same parcel as a one-family dwelling; for the use of visitors as nonpaying guests of the one-family dwelling; which cannot be segregated or separately leased, rented, sold or transferred, given or otherwise conveyed unless the parcel is of sufficient size to meet density, platting and other city code requirements for a separate legal lot; of not more than 800 square feet; which provides one parking space in addition to those required for a one-family dwelling; and there shall be no more than one guest house per parcel or lot.

Consolidate all ADU related regulations into one chapter
Establish a purpose statement
Purpose

Accessory dwelling units are permitted in certain situations to:

a. Create new housing units while respecting the look and scale of single-family neighborhoods;
b. Support more efficient use of existing housing stock and infrastructure;
c. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
d. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
e. Provide accessible housing for seniors and persons with disabilities.

18.22.155 Accessory dwelling units.
The following provisions apply to accessory dwelling units:
A. Permitted as a second dwelling added to, created within, or detached from the principal residence;
B. Accessory dwelling units may be created within or detached from the principal residential building;
C. One attached and one detached accessory dwelling unit is permitted on a residential lot with a single-family residence.
D. One detached accessory dwelling unit is permitted on a residential lot with a duplex residence.
E. Not less than 300 nor more than 1,000 gross square feet in size;
F. May be established in either an existing or new residence;
G. Limit of one ADU per legally established lot;
H. Must be served by city water and sewage services, where available;
I. The total lot coverage requirement of the applicable zone may be exceeded by up to 15 percent if necessary to accommodate an ADU;
J. One off-street parking space is required in addition to the spaces required for the principal or other approved uses on the property where there are two accessory dwelling units;
K. The maximum height for an accessory dwelling unit is 15 feet. The height of accessory structures that include an accessory dwelling unit may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.

The height regulations are located in each RS zone and those related to accessory dwelling units shall be located as above in K.

L. An ADU and a home occupation are allowed on the same lot when the home occupation is of a type that does not generate significant additional traffic, conduct retail sales, or employ persons who do not reside in the principal building;
M. Subject to administrative zoning compliance review and building permitting (if applicable) and the owner recording a covenant with Island County acknowledging that he/she/they have read and understand the provisions of this code section. In the case where a home occupation is already established on the property and such home occupation is characterized by the conditions set forth in Section 18.22.060, a conditional use permit shall be required to establish an ADU on the same property. (Ord. 965 § 1, 2012; Ord. 696, 1995)
Setbacks

Three chapters 18.06 RS5000, 18.07 RS7200 and 18.08 RS15000 contain the same provision regarding setbacks for ADUs. This section shall be moved to 18.22.155

L. The following setback requirements shall apply to detached accessory dwelling units:
   1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.
   2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.
   3. The setback requirements in subsections (K)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in the relevant zone district Section 18.06.050 for accessory structures shall apply on lots over one-half acre in size.
   4. For all detached accessory dwelling units, only the standard setbacks provided in the relevant zone district Section 18.06.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback.
   5. accessory dwelling units, the setback shall be not less than five feet from the rear property line

The following regulation is located in all three RS zones and the five foot setback from the rear property line shall be removed from this section and located in the consolidated regulation above.

D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;

18.22.200 Clustered residential development (CRD).
The following provisions apply to clustered residential development:
A. The minimum lot area shall be 20,000 square feet.
B. Density: 150 percent of the base density for the zone district in which the property is located; provided, that all development standards are satisfied.
C. Balance of site (other than individual lots) shall be in a common ownership tract(s).
D. Living area (greater than five feet in height) on each lot is limited as follows:
   1. Total square footage in the principal building: 1,400 square feet.
2. No more than 50 percent of the principal buildings may have more than 800 square feet on the first or main level. All other units are limited to 800 square feet on the first or main level.

E. Lots must abut usable, landscaped common area of at least 15 percent of the total site area.

F. An open porch of at least 96 square feet facing onto the common open space or public street.

G. Setbacks.
   1. Site Perimeter.
      a. Site perimeter abutting a public street: 20 feet, except an unenclosed porch or deck may extend eight feet into this setback for up to 40 percent of the average width of a dwelling adjacent to the public street.
      b. Remainder of Perimeter. The setbacks shall be as follows: no more than 50 percent of the perimeter area: 10 feet, and for the balance of the perimeter the setback shall be 20 feet.
   2. Internal. Five feet; provided, that the perimeter setback still applies if a lot abuts a perimeter lot line.

H. Accessory dwelling units: not permitted.

I. Parking: two spaces per lot; may be on the lot or on common tract which is screened from the street; one-third of lots may have parking that backs onto a noncollector public street.

J. CRDs will be processed through the regular plat process or the binding site plan process procedures set forth in Chapter 18.36.

K. Served by public sewer.

L. Subject to the city’s design review requirements for overall CRD site, including common buildings, landscaping, lighting, etc. Individual residential units are not subject to design review.

M. Maximum Lot Coverage.
   1. Total project site: 50 percent.
   2. Individual lots: 60 percent.

N. CRDs are subject to conditional use permit approval in all single-family residential zones. (Ord. 771, 1999)

Design Review Board

18.34.030 Scope.

A. Design review shall apply to all nonresidential development in the central business, public and neighborhood business zones and certain development in the residential zones including multifamily development, planned unit developments, cottage housing, clustered residential development detached accessory dwelling units, wireless communication antenna arrays, and accessory buildings larger than 1,200 square feet are subject to the provisions of this chapter as set forth in
Section 18.22.050(B)(2)(b). Specifically exempt from design review are developments involving one- and two-family dwellings unless part of a larger project that is subject to design review.

Administration

18.36.025 Permit applications requiring administrative action by the planning official. 

A. The city planning official may administratively approve, approve with conditions, or deny applications for certain land use proposals. Such administrative permit applications are listed below. If an application is found to be consistent with the city’s zoning ordinance, this title, and with other applicable code provisions and city requirements, a certificate of zoning compliance or other appropriate approval shall be issued subject to compliance with public notice requirements.

B. Administrative permit applications requiring notification of application:
   1. Bed and breakfast rooms.
   2. Short subdivisions.
   3. Accessory dwelling units.
   4. Shoreline exemptions and shoreline substantial development permits, except those permits where a corollary permit is subject to the quasi-judicial process.
   5. Accessory buildings having a gross floor area greater than 1,200 square feet.
   6. Tourist accommodations – commercial.
   7. Reduction of yard setbacks as provided for in Section 18.22.030(C).
   8. Type I site plan review.

C. Administrative permit applications not requiring notification of application, including but not limited to:
   1. Boundary line adjustments;
   2. Home occupations not requiring a conditional use permit;
   3. Reductions of critical areas buffers as provided for in Section 16.20.070;
   4. Critical/sensitive areas review pursuant to Chapter 16.20 requirements;
   5. Written code interpretations;
   6. Other minor actions (e.g., remodeling existing commercial buildings to accommodate new businesses);
   7. New or modified one- and two-family dwellings; and
   8. Signs.

9. Accessory dwelling units

Utilities

13.50.110 Connection required, exemptions and enforcement.
A. All development in mixed residential and commercial zones is required to be served by the city's public sewage system.

B. All development in a neighborhood business zone is required to be served by the city's public sewage system, except as otherwise addressed in the city code. (Reference: Nonstandard Sewer Connection.)

C. In a residential zone all new development and expansions/remodels of existing principal buildings that constitute 50 percent or more of the appraised value of the building(s) is/are required to be served by the city's public sewer system, if the development is within 200 feet of a city sewer main measured from the property line nearest to the sewer, except as otherwise addressed in the city code (reference: Nonstandard Sewer Connection). All proposed subdivision (short and long) and related multiple lot developments are required to be served by the city's sewer system. Developments/redevelopments of a single-family residence on a lot that is not within 200 feet of a sewer main may be served by an onsite septic system.

D. An accessory dwelling unit or guest house may be served by an onsite septic system if it can be shown to the satisfaction of the Island County Health Department that the existing septic system is functioning properly; has the design capacity to accept the flow from the accessory dwelling unit or guest house; and complies with all applicable Island County Health Department regulations.

E. All existing developments in a residential zone served by an onsite sewage disposal system and located within 200 feet of an existing city sewer main, measured from the property line nearest to the sewer, and otherwise not required to connect by the provisions in this chapter, shall connect to the city sewer system (1) when there is a change of property ownership or (2) when the onsite system fails and the Island County health department verifies that the failed system cannot be repaired and construction of a new system is not possible/feasible. Use of the onsite system shall be discontinued upon connection to the city sewer system.

F. Except in residential zones, all property owners shall connect existing development to the sewer within two years of being notified by the city of their requirement to connect. Any property owner who chooses not to connect within 90 days of receiving notice from the city shall be subject to a monthly sewer service fee. Such imposition shall be the same as if such dwelling or other facility were in fact connected to the sewer system. In addition, if such connection is not made within two years after notice is provided by the city of the requirement to connect, a lien shall be recorded upon the subject property for fees due in relation to the required connection.

G. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 860, 2005; Ord. 820, 2002; Ord. 786, 2000)
Types of tourist accommodation (TA)

- Commercial inns/hotels/motels
- Room(s) within a residence
  - Typically, owner occupied
- Accessory dwelling units, either attached or detached.
  - These units may be rented on an occasional or ongoing basis
  - Typically, owner occupied or caretaker on site
- Single family residences
  - Owner occupied and the residence is rented as a TA on an occasional basis
  - Not owner occupied and the residence is rented as a TA on an ongoing basis.

Issues

Commercialization of residential neighborhoods and related impacts, for ex, noise, parking.
Possible loss of long term rental units.
Non-compliance with life/safety standards.
The City may not be receiving taxes (lodging and/or sales).
City requirements may not be met: approval; utility connections and fees; building permit; signs; parking.
Businesses operating without a business license.

Pros

Fills the gap for limited tourist accommodation options in South Whidbey.
Some tax revenue provided to the City.
Increased tourist spending in the City.
Revenue for property owners and investors.
### PERMITTED USES – Table 18.09

<table>
<thead>
<tr>
<th>Hotel/Motel</th>
<th>B&amp;B Inn</th>
<th>B&amp;B Rooms (Commercial)</th>
<th>B&amp;B Rooms (Residential)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CB &amp; NB</td>
<td>CB &amp; NB</td>
<td>CB &amp; NB</td>
<td>All RS zones.</td>
</tr>
<tr>
<td>RM &amp; all RS</td>
<td>max 6 rooms</td>
<td>Rooms must be located above the first or street level or behind the street front</td>
<td>Max 2 rooms</td>
</tr>
<tr>
<td>FT on site manager required</td>
<td>Principal dwelling must be owner occupied</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### DEFINITIONS – Ch. 18.01.040

“Bed and breakfast inn” means a building or group of buildings on a lot which is designed or used for rental for transient lodging, where:

1. Not more than six rooms are available for such rental;
2. Breakfast is the only meal served to persons renting such rooms, and no meals are served to members of the general public; and
3. In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and
4. No room is rented to more than an occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage.

“Bed and breakfast room (commercial)” means a room used for rental for transient lodging, situated in a building which is used primarily as a commercial establishment, where:

1. The persons renting such room are only served breakfast, and no meals are served to members of the general public; and
2. The room(s) are located above the first or street level or behind the street front side of the building.
“Bed and breakfast room (residential)” means a room used for rental for transient lodging situated in a building which is used primarily as the dwelling for a nontransient family, or, in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

1. The persons renting such room are only served breakfast, and no meals are served to members of the general public;
2. No other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and
3. If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

“Hotel” means any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.

“Motel” means a building containing units which are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers. Accommodations for trailers are not included. Tourist accommodations – commercial” means a dwelling unit serving as a single rental for periods not exceeding 29 consecutive days and containing sleeping and cooking facilities.

“Tourist accommodations – commercial” means a dwelling unit serving as a single rental for periods not exceeding 29 consecutive days and containing sleeping and cooking facilities.

REGULATIONS

18.22.070 Bed and breakfast rooms.

The following provisions apply to bed and breakfast rooms:

A. Not more than two rooms on the premises are utilized for bed and breakfast rooms;
B. Parking spaces for all guest vehicles shall be provided on the premises except in the central business zone pursuant to Section 18.22.130(M);
C. Only one business sign, having an area not more than four square feet, shall be located on the premises (except in the commercial zones);
D. No bed and breakfast room shall be rented to more than two persons;
E. The construction of the building in which the bed and breakfast room is situated and the operation of the bed and breakfast room shall comply with all applicable rules, regulations, ordinances, statutes and orders of the federal, state and municipal governments, or other duly constituted public
authority, including, without limitation, local and state health and fire regulations, local business license, and building code requirements;

F. No other business, service or commercial activity is conducted or provided on the premises, except in one of the business-commercial zones;

G. Bed and breakfast room(s) are subject to administrative review by the city planning official. Notice shall be given to the owners of the property adjacent to the property that is the subject of the application. The notification shall be given in a manner designed to give the property owners notice of the application and sufficient time to comment on the application. The city planning official’s review shall include but not be limited to:

1. A determination that city regulations applicable to bed and breakfast rooms have been satisfied;
2. A determination that the bed and breakfast proposal contained in the application is compatible with the permitted uses in the residential zone.

The city planning official may attach such conditions to his/her recommendation that are reasonably required to ensure that the use of the rooms as bed and breakfast rooms will not be significantly detrimental to the public health, safety and welfare, will not diminish the value of nearby property, or will not disturb persons in the use of their property. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 583, 1990; Ord. 527, 1989)

18.22.080 Bed and breakfast inns.

The following conditions apply to bed and breakfast inns:
A. A full-time manager shall be domiciled on the premises (except in the business-commercial zones);
B. Parking spaces for all guest vehicles shall be provided on the premises, except in the central business zone pursuant to Section 18.22.130(E)(12);
C. Only one business sign, having an area not more than eight square feet, shall be located on the premises;
D. The bed and breakfast inn shall be compatible with the character of the surrounding residential area (if applicable);
E. The construction and operation of the bed and breakfast inn shall comply with all applicable rules, regulations, ordinances, statutes and orders of the federal, state and municipal governments, or other duly constituted public authority including, without limitation, local and state health and fire regulations, local business license and building code requirements; and
F. No other business, service or commercial activity is conducted or provided on the premises (not applicable in business-commercial zones). Accessory dwelling units are excluded from being located on the same property with a bed and breakfast inn. (Ord. 798, 2001; Ord. 527, 1989)
18.22.085 Tourist accommodations — Commercial.
The following conditions apply to such accommodations:
A. Compliance with city business license regulations.
B. Limited to a single sign of not more than eight square feet and on premises.
C. Parking. Same requirement as for multiple residential as set forth in Section 18.22.130(D)(2).
D. Signed certification that the residence shall be maintained in a habitable condition and be subject
to inspection by the city building official.
E. Cannot be both a B&B and single-family tourist accommodation.
F. Subject to administrative review. (Ord. 733, 1997)

5.04.030 Business License required
It is unlawful for any person to engage in any business as provided in this chapter within the city
limits without first having registered with and obtained a business license from the city of Langley. If
more than one business is conducted by a person, a separate registration and license shall be
required for each separate business conducted, operated, engaged in or practiced. If one business is
conducted at more than one premises in the city, only one registration and license shall be required.
Businesses located outside the city which report any sales tax activity within the city of Langley
location code (1502) shall be required to obtain a city license and pay an outside city business license
fee.

5.04.040 Exemptions
E. Persons or businesses having a gross revenue of $2,000 or less per year shall be exempt from the
requirements of this chapter

18.22.060 Home Occupations
All home occupations require a City of Langley business license.

Utility Fees
Utility fees differ for residential and commercial uses.
Three Year Summary of (known) Tourist Accommodation in Langley
Includes motel/hotel/inns

Except for the business license information the data for the tables below has been gathered by scanning the internet so it may not be 100% accurate.