City of Langley
Planning Advisory Board
AGENDA
August 1, 2018 – 3:00 PM
LANGLEY CITY HALL
112 2nd Street, Langley WA

1. Call to Order

2. Approve agenda

3. Review minutes of July 10, 2018 meeting

4. Linda Kenny – Affordable Housing forum idea (email attached)

5. Code Amendments
   a. Tiny Homes, ADUs, Boarding Homes and Innovative Permanently Affordable Housing Projects (drafts attached)
   b. Next steps – finalize amendments, legal review continued, SEPA determination and notice, referral to Department of Commerce

6. Short Term Rentals
   a. Moratorium discussion and Public Hearing August 20
   b. Discussion paper attached

7. New Business

8. Citizen comments

9. Announcements

10. Adjourn

Next Regular Meeting: September 5, 2018
MINUTES
CITY OF LANGLEY
PLANNING ADVISORY BOARD REGULAR MEETING
July 10, 2018

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

ATTENDANCE
PAB: Thomas Gill, Chair, Maralie Johnson, Burt Beusch, Rhonda Salerno
Staff: Brigid Reynolds, Planner

1. Approval of the Agenda
The agenda was approved with the following amendments:
   Add PAB membership
   Move items #5 and 6 to before #4

2. Minutes
Minutes of June 6 were reviewed and approved.

3. Conditional Use Permit Application – CUP-18-001 McCarthy Bed and Breakfast Inn – Short Term Rental
Brigid Reynolds presented her report on the Conditional Use Permit for a bed and breakfast inn at 113 Fourth Street as it relates to the Municipal Code. This application is subject to a hearing by a Hearing Examiner that is scheduled for July 25 at 11 am. The purpose of the report to the PAB is to seek a recommendation to be provided to the Hearing Examiner. Brigid explained that she did not make a recommendation or determination in her report as there is a comment period which closes on July 19th and the LMC does not allow a determination to be made in advance of the close of the public hearing.

Fred McCarthy, the applicant, spoke to his application. The proposed property manager Laura Wildeman was also in attendance.
The owners would like to have a short-term rental because it gives them the flexibility to rent their home and come and visit when they want to. They live in Seattle but visit Langley regularly. His comments are as follows:

- The language in the code is misleading due to the reference to ‘Inn’ and ‘the serving of breakfast’
- Intent is to be upfront with establishing the use by making a formal application.
- There is parking for two cars and a maximum of 7 guests.
- He spoke to the surrounding land uses that is mixed zoning and not a strictly residential neighborhood.
- He talked with some of the neighbors about the application
• A full time on site resident manager does not fit with this type of STR. And it didn’t ‘pencil out’ for the owners.
• The City needs to create some incentives for the creation of affordable housing and long-term rentals.
• Send notices to over 130 people.
• We did consider renting a room or staying in the top part of the house and renting the bottom but we decided not to.
• Community should be open to

Laura Wildeman, property manager also spoke to the application. She described Vacasa and her role in managing properties:
• Vacasa manages 8,000 homes world-wide with 31 on Whidbey Island. It is based in Portland and there is another manager in Seattle as well.
• Vacasa pays lodging tax to the State
• Obtains a business license
• Policies includes age restrictions on signing the lease, i.e. 25 years of age and includes an ID background check; parties are not permitted.
• Each home can have their own rules that can be more restrictive than Vacasa’s if they so choose.
• Her contact information is given to neighbors for emergency issues. She is available 24/7 and 365 days/year.
• We have created employment for 18 people.
• Vacasa advertises on 47 different platforms.
• STR minimum number of nights for rental are two. Others
• There are circumstances where people have a home and renting it as a short term rental is the only way they can afford to keep it.

Neighbor, Steve Tremblay, spoke in opposition to the proposed use and his comments are as follows:
• Doesn’t want to live next to a hotel.
• He bought the house for the residential neighborhood.
• There is a STR next door which I was unaware of but this year it’s been noisy.
• He is ok with a STR when an owner/resident manager is living there.
• Concern that the value of property will be impacted because people don’t want to live next to a hotel.
• Access to the subject property is via an access easement across his property. There has been damage to his landscaping by neighbors crossing his property.
• Today there were five garbage cans (5) out and this is an eyesore.
• The City has a lack of long term rentals and workers can’t afford to live here.
• The number of STRs are impacting long term rentals.
• STR should not be allowed to be concentrated in certain neighborhoods and particularly in an all residential neighborhood.
• This use impacts the quality of a neighborhood and is a problem for many communities.

Commission members comments:
• The language in the Code doesn’t reflect this type of vacation rental
• There are almost 50 STR in Langley currently and many are unpermitted.
• Concern with people purchasing a property for the sole purpose of making a STR. We want people to be part of the Langley community.
• Langley lacks tourist accommodation and the proposed use fits this need.
• Proximity to neighbors and shared driveways should be a consideration.
• People have bought property with the long-term goal of retiring here but while they are still living/working elsewhere they use their home as a STR to cover the payments.
• Limiting or prohibiting STRs does not deny a property owner a ‘reasonable use’ of their property.
• Property owners should be able to use their property as they so choose.
• Challenged with making a recommendation for this application when we are currently discussing amendments to the Code regarding this type of use.
• Impact to the community character is a concern.

Motion – that the PAB not make a recommendation to the HE on application CUP-18-001 as the PAB is working on this issue.
Moved and seconded by Rhonda Salerno and Maralie Johnson – All in favor.

4. Code Amendment Open House Follow up
A summary of the comments received was sent out in the agenda package and was discussed by the PAB.

• Generally positive input from folks in attendance.
• Some folks were confused about the implications of the upzoning and were pleased to get some answers at the meeting.
• Clarification was sought as to where these events are advertised and a comment made that we need to create a list of places that we advertise these events.
• Consider including in the code the requirement to review the new code in a five year period, for example.
• The questionnaire discussed at last month’s meeting will be distributed through the water bills going out on July 10.
• Suggestion that there be a clause in the code that the amendments be reviewed in five years following adoption.

Brigid will circulate the most recent drafts of the code amendments to the PAB to review and members shall provide final comments to her before the August meeting so we can discuss them at that time.

5. PAB Membership
There is still a vacancy and it’s been announced at Council meetings and on the website. The Board discussed possible amendments to the Code to open up the residency requirements for membership. This is possible however as this subject is in Ch. 18 of the Municipal Code there is larger process required and can be undertaken as part of the larger code amendment process rather than a stand alone amendment.

The meeting was adjourned at 5:10 p.m.
Dear Ms. Reynolds and select members of the PAB,

I want to thank you for Wednesday’s enlightening and encouraging get-together at the Methodist Church. The visuals were top-quality, and the room was filled with people desiring and able to make a difference. Whidbey Island, because of its size and resources, and particularly Langley, has the opportunity to make great strides towards overcoming the housing crisis here--dare I say "erasing" it--and, thereby devising an important template that other communities might follow.

But we don't have to reinvent the mousetrap. It's honestly less complicated than many realize. We can follow in the footsteps of other cities and states who have already found a solution.

As a recent (mid-2017) transplant to Langley, and as a disabled senior who has experienced great difficulty obtaining housing, I was very proud to be in that room, to watch the enthusiasm building at each table, and to see that there is hope...that the City of Langley wants to make its residents' lives more enriched and increase its businesses' access to workforce candidates and is committed to helping do just that.

And I want to help, too. I want to apply my moxie as a writer and event planner, as an activist for housing rights who was a prep school classmate of Tipper Gore's but nevertheless, unlike Tipper, became homeless at the age of 67. I want to help alleviate the suffering I witness every day right here in Langley. By merging our contacts we can accelerate this effort to the next phase.

The missing piece is to put together in one room presenters with the following perspectives to inform and enable developers with an interest in providing affordable and low-income housing that is profitable in Langley:

- HUD (eligibility, tax incentives, available federal funding for building projects)
- Island Statistician (depth of the problem here, who will benefit, and who won't if the term "affordable" keeps sliding towards the wealthy end of the spectrum)
- Profit Maker (who has developed the projects, and where are they, that prove small-space housing helps communities but are also a solid source of income for the developers)
- Construction company (who is willing and ready to get started once a developer reaches out)
• Langley government (an echo of what plans exist for loosening small-space regulations, building code and zoning limitations, and recognition that members of the working class living here are desperate for help now)

I have been dreaming about and discussing this idea for several months. I have the contacts and the experience to bring about such an event, and I am seeking your blessing to do so. I believe it should occur before the end of summer while the island is engorged with room-filling homeowners who will listen.

But even before such an event can be scheduled, I am hereby asking you to do one thing that would take minutes....okay, maybe a little longer. I ask that you endorse, approve, and help pass a request to the Port of South Whidbey for the Island County Fairgrounds to provide long-term RV sites immediately after the Fair. Ask #2: That, if it hasn't already done so, the PAB institute a small-space residence sub-committee including members of the community to follow through on Wednesday's visuals and excitement and morph it into reality.

Respectfully yours,

Linda Kenny
460 Anthes, Langley
206/953-5369
DRAFT TINY HOME CODE

7/25/2018

Underline words/phrases are new and crossed-out words are to be removed.
Red text are comments from the legal review.

New Chapter 18.22.160

1. PURPOSE (same as ADU)

Accessory dwelling units and Tiny Home 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. Create work force housing;
   e. Provide housing that responds to changing family needs, smaller households, and increasing housing costs; and
   f. Provide accessible housing for seniors and persons with disabilities.

2. GENERAL
   a. Definition

A Tiny House or Tiny Home is a subordinate dwelling unit with a minimum size of 150 square feet and no more than 400 square feet of habitable floor area. A Tiny Home with a foundation may be an Accessory Dwelling Unit and shall comply with all regulations for Accessory Dwelling Units except as expressly modified herein. A Tiny Home on a trailer, chassis or that is otherwise mobile is considered

b. Building Code

A Tiny Home must be built according to the following building code standards:
   i. Habitable rooms shall meet minimum area requirements of the IRC and the LMC.
   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 in accordance with the IRC and the LMC.
   iv. Shall meet ingress/egress requirements of the IRC and the LMC.

c. Utilities

A Tiny Home must be served by City sewer and water

3. TINY HOME ON A LOT WITH AN EXISTING SINGLE FAMILY OR DUPLEX RESIDENCE

Tiny Homes shall comply with the IRC and all development standards for a single-family dwelling unit, except as modified herein.

a. Density

7/25/2018
On a RS zoned lot with an existing single-family dwelling a maximum of two Tiny Homes are permitted provided the minimum lot size is 5,000 SF.

On a RS zoned lot with an existing two-family dwelling a maximum of one Tiny Home is permitted provided the minimum lot size is 5,000 SF.

Where served by sewer: A maximum of two Tiny Homes are permitted on a RS-zoned lot provided there is an existing single-family.

One Tiny Home is permitted on a RS-zoned lot with an existing two-family dwelling (duplex) residence.

b. Lot coverage
An additional 15% lot coverage is permitted for a Tiny House on a lot with an existing single family or duplex residence.

d. 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: five feet

e. Height
A maximum height of 15 feet.

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

g. Parking
i. One off-street parking space is required for two Tiny Homes in addition to the parking spaces required for the principal or other approved uses on the property;

h. Access
ii. Where there is an alley and where possible, parking shall be accessed from the alley.

iii. Garages shall be located behind the front facade of the principal residence.

iv. Driveway access must be shared by both the principal residence and Tiny Homes, where possible.

i. Design
i. The entrance to the ADU shall not face the nearest side lot line or rear lot line, unless there is an alley abutting on that side of the lot.

Lawyer recommends the following be a separate section in the code and not a subset

4. TINY HOMES IN A MULTI-UNIT DEVELOPMENT
a. Density and Minimum Lot Area
i. One Tiny Home per 1200 square feet

7/25/2018
ii. 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 – ten feet
   iii. Side yard – five feet
   iv. Separation between Tiny Homes – six feet

d. Lot Coverage
   i. The maximum lot coverage is 50%.
   ii. Notwithstanding 4.d.i above, an 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 development. 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 Tiny Home is required.
   ii. For a development with six or more Tiny Homes the parking ratio shall be 1:6 for visitor parking
   iii. 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.

Ch. 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. A Tiny Home may serve as an accessory dwelling unit.

"Community Building" means

"Multi-family dwelling" means a building containing three or more dwelling units. – current definition in LMC.

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. This does not include Tiny Homes on a lot with an existing single family or duplex residence.

Multi-Dwelling Development. A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneat the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.

[Portland]

7/25/2018
**Tiny Home Code**

*Multi-Dwelling Structure.* A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums. (Portland)

“Tiny Home” means a dwelling unit with a minimum size of 150 square feet and no more than 400 square feet of habitable floor area.

“Work force housing” means housing that is affordable for households with incomes between 80% and 120% (or less) of the Area Median Income (AMI), regardless of tenure.

**Ch. 18.09.010 Land Uses**

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<thead>
<tr>
<th>CITY OF LANGLEY</th>
<th>ZONING DISTRICTS</th>
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<tbody>
<tr>
<td></td>
<td>CB</td>
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<tr>
<td>Tiny Homes (two or less)</td>
<td>X</td>
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<tr>
<td>Tiny Homes (three or more)</td>
<td>X</td>
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**Design Review Board**

**18.34.020 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, and associated accessory dwelling units and Tiny Homes 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.

7/25/2018
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.

8. 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 or Tiny Homes on a SF lot.
Firstly, this is a exceptionally well written code, but there is one change that would make it stronger, create more affordable housing and remove what I believe to be a significant unnecessary hurdle.

I have thought about this further and I continue to believe that we should allow outright Tiny House Communities in all Residential Zones above R5000. This should not require a Conditional Use.

Reasons why Tiny House Communities should not require a Conditional Use Review in Residential Zones:

- We want Tiny House Communities to be built and we need to reduce unnecessary hurdles to this type of development.
- The most similar type of housing, Cottage Housing, does not require a Conditional Use, only Design Review. Cottage Housing development are only permitted in residential zoning districts. Why should a development in all ways a scaled down version of Cottage Housing require a Conditional Use related to residential zones?
- Tiny House Communities are the only form of housing that cannot be used for Air B and B/VRBO. This seems to be one of the biggest current issue related to Langley housing stock.
- Conditional use adds cost, time and uncertainty to project. All of these add to cost of a unit and reduce the likelihood of a successful project.
- Tiny House Communities will still be subject to the same Design Review required of Cottage Housing and all other Multifamily Housing. There is ample opportunity for public response. An additional Conditional Review is unnecessary.
- As currently identified, Tiny House Communities are only allowed outright (no CU, DR only) in Multifamily Zone (RM), Neighborhood Business(NB) and Neighborhood Overlay (NBO). Tiny House Communities are not the highest and best use for these types of properties and make their development unlikely. More is paid for these lands, with intent of more profitable development. Tiny House Communities are likely one of the least profitable types of residential building from a developers point of view and need to be promoted for affordable housing.
- Limiting Tiny House Communities to RM, NB, and NBO is not in line with the allowable density of these zones nor the allowable height. Tiny House can be only 15’ high.
- The height and size of Tiny House Communities fit exceptionally well within the fabric of residential neighborhoods.

Please let me know if I can add any additional information or clarifications.

Regards>JR
Draft Amendments to Ch. 18.04
Innovative Permanently Affordable Housing Projects

7/25/2018

These amendments are proposed to clarify that this code applies to both single-family and multi-family developments and to home-ownership and rental forms of tenure.

Text that is underlined is new. Text that is crossed-out is proposed to be removed.

18.04.010 Authority and purpose.

A. Authority. Both the Growth Management Act (Chapter 36.70 RCW) and the Housing Policy Act (Chapter 43.185B RCW) require the city to provide housing opportunities for all economic segments of the community. Similarly, the city’s comprehensive plan encourages revisions to the city’s development regulations to increase the supply of affordable housing. This chapter will allow the use of alternative development standards and processes that are not currently allowed under existing land use regulations, while protecting residential character and maintaining overall consistency with the neighborhood plans and the goals and policies of the Langley comprehensive plan.

B. Purpose. In accordance with the directives of the Growth Management Act, Housing Policy Act, and the city’s comprehensive plan, the purpose of this chapter is to facilitate the construction of innovative affordable homes by organizations that can demonstrate, to the city council’s satisfaction, after review and approval by the planning director or his/her designee, an ability to finance, manage, and monitor affordable home sales and rentals to assure permanent affordability in accordance with the guidelines contained herein.

C. Goals. The goals of this chapter are:

1. To encourage innovative building design in housing projects by:
   a. Increasing the supply of affordable housing and the choice of housing styles available in the community.
   b. Promoting diversity in housing affordability and choice by encouraging smaller and more varied home sizes and mixes of income levels of residents.
   c. Promoting high quality and environmental design.

2. To encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principles such as low-impact development techniques, green building materials, water and energy conservation, and mitigation that offsets impacts to biodiversity.
3. In general:
   a. To help identify any zoning code amendments that are necessary to support the development of innovative housing choices in Langley.
   b. To identify effective incentives to encourage green building and low-impact development standards.

4. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.020 Affordable housing defined.

Purchasers and renters of affordable homes constructed under this chapter shall meet the following requirements:

A. Annual Income. All purchasers and/or renters shall be from a household whose annual income, at the household’s initial occupancy of the residence, is middle income or less (as defined under subsection (D) of this section), as adjusted by family size, for Island County, Washington, based on the most recent census data or other verifiable source as determined by the city.

B. Housing Expenses. The monthly expenditure by a purchaser for housing including mortgage payment or rent, insurance, taxes and utilities (water and sewer) shall not exceed 38 percent of the gross household income at the time of purchase and the amount for monthly mortgage payment shall not exceed 30 percent of gross household income. All other variable living expenses associated with the resident’s occupancy shall not be a factor in the calculation of affordability.

C. Affordable Housing. Federal guidelines define affordable housing as decent, quality housing that does not exceed 30 percent of a household’s gross monthly income for rent or mortgage and utility payments. Island County is ranked as the eighth least affordable area in Washington State for housing and Langley is the most expensive area to live on Whidbey Island.

D. Classification of Income Groups. The United States Department of Housing and Urban Development (HUD) and the state of Washington classify household income groups as follows: Very low income: households below 50 percent of the average median income. Low income: households between 50 and 80 percent of the average median income. Lower income: households between 81 and 95 percent of the average median income. Middle income: households between 96 and 120 percent of the average median income. “Median household income” means the amount calculated and published by the HUD each year for the Island County statistical area as the median household or family income, adjusted by HUD for household size. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)
18.04.030 Project application requirements and incentives.

A. Density Increases. Earned increased density of up to 100 percent over the otherwise allowable density in the applicable residential zone may be granted to a project. A density increase of one unit for each perpetually affordable unit is allowed.

B. Project Applicant. A project applicant under this chapter must meet/comply with the following:
   1. The project applicant shall be, create or contract with an organization that has as its purpose the creation and retention of permanently affordable, income qualified home-ownership and/or rentals
   2. The organization can demonstrate experience in providing affordable housing. An organization that can demonstrate experience in providing housing and a mission statement of its intent to use that experience toward achieving the goal of providing permanently affordable housing shall be deemed to have met this requirement.
   3. The organization can demonstrate the ability to retain all of the units as permanently affordable to income-qualified buyers as defined by Section 18.04.020.
   4. The organization can demonstrate an ability and commitment to submit an annual report to the city council documenting all residential units, past and pending sales, rental history and/or home ownership by qualified renters or home buyers.
   5. The organization can demonstrate that the project, including all common areas, will be properly maintained over time.

C. Single-Family or Multi-Family Home Ownership. Projects that create single-family or multi-family residences that are individually owned or rented by their occupants must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain occupied by income qualified tenants owners.

D. Single-Family or Multi-Family Home Rental. Projects that create single-family or multi-family residences that are rented by their occupants must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain rented by income qualified tenants.

E. Guarantee of Permanent Affordability. The project must have controls in place, subject to approval by the city attorney, to ensure that the project’s single-family or multi-family residences remain affordable in perpetuity in accordance with the definition of affordable housing in Section 18.04.020. All such controls shall be recorded in the title records of Island County. The controls may take various forms including:
1. Continued ownership of the land by the project applicant with the occupants of the single-family or multi-family residences leasing the land back from the project applicant;

2. A deed/subsidy covenant, purchase/sale agreements, or other similar mechanisms, which require that the residences be sold only to qualified purchasers who meet the requirements of Section 18.04.020;

3. A requirement that the project applicant can only transfer the land to another entity that meets the requirements of subsection (B) of this section; and/or

4. Other methods approved by the city attorney to ensure that the project’s single-family or multi-family residences remain permanently affordable in accordance with the definition of affordable housing.

F. Project Location. Affordable single-family homes developed under this chapter must be located in a RS zone districts, residential single-family zone and affordable multi-family homes developed under this chapter must be located in zone districts where multi-family housing is permitted, within the city of Langley.

G. Design Review. All projects are subject to design review. Housing projects receiving earned increased density under this chapter must comply with the design review process and site location criteria for multi-family residential development in this title to protect, maintain, or enhance neighborhood character and compatibility.

H. Request for Modification to the Application of Development Regulations.

1. Project applicants may request modification of the application of the following development regulations; provided, that the project otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code:
   a. Minimum lot size;
   b. Minimum street frontage;
   c. Minimum front, side, and rear yard setbacks;
   d. Minimum parking requirements;
   e. Maximum lot coverage;
   f. Minimum usable open space; and/or
   g. Other regulations to allow demonstration of innovative approaches to permanently affordable housing, energy conservation, low-impact development, and stormwater management.

2. The applicant shall describe each requested modification in writing and include detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or boundary line adjustment or other application and must be noted on submitted site plans.
3. The planning director or his/her designee shall review the requested modification and reasons provided for the modification and provide a written recommendation to the decision-maker for the underlying application regarding whether to approve, approve with conditions, or deny the requested modification on the basis of whether the modification is consistent with the purpose and requirements of this chapter, does not threaten the public health, safety or welfare and otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code.

4. The decision-maker for the underlying application shall determine whether to approve, approve with conditions, or deny the requested modification as part of the decision on the underlying application. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.040 Procedures.

Projects applied for under this chapter shall follow the procedures listed below.

A. Pre-Application Conference. A pre-application conference with planning department staff and the project applicant is required before the city will accept an application under this chapter.

B. Neighborhood Meeting. An applicant is required to conduct a neighborhood meeting prior to the submittal of an application and after the pre-application conference. The director of community planning may provide standard notice formats and guidelines for conducting the meeting. The notice shall include a brief description of the project, date, time and location of the neighborhood meeting and name and phone number of the applicant or their representative. The applicant shall post the notice of the neighborhood meeting on the project site at least 14 days prior to the meeting and shall mail the notice at least 14 days prior to the meeting to:

1. The planning department with a copy of the mailing list;
2. The owner of the property as listed on the application;
3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County assessor records;
4. Any neighborhood association registered with the planning department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary; and
5. The local newspaper.

C. Submittal Requirements. The director of community planning shall establish submittal requirements and forms to be used for applications.
D. Determination of Complete Application. A complete application shall consist of the completed application form with all required information, a SEPA environmental checklist, if applicable, and any filing fee as established by the city council. If a subdivision of land is required, the preliminary plat, short plat, binding site plan, or boundary line adjustment shall also be submitted as part of the application. An application shall be reviewed by the director of community planning to determine whether it is complete under the procedures in Section 18.36.010.

E. Concurrent Review. The application for design review, subdivision, and project approval under this chapter shall be processed concurrently. The director’s recommendation regarding design review shall be forwarded to the hearing examiner with the staff recommendation for the application.

F. Notice of Application. The planning department shall mail notice of application to:

1. The applicant;
2. The owner of the property as listed on the application;
3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County assessor records;
4. Any neighborhood association registered with the planning department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary;
5. Any person or organization that has filed a written request for notice with the planning and community development department; and
6. The local newspaper.

G. Date of Notice. The date of the notice of application shall be the date the notice is mailed.

H. Posted Notice. The applicant shall post one or more “notice of application” signs on the site or in a location immediately adjacent to the site that provides visibility from adjacent streets. The director shall establish standards for size, color, layout, materials, placement and timing of installation and removal of the signs.

I. Public Comment Period. The minimum comment period shall be 14 days following the date of notice of application.

J. Project Review. Complete applications shall be reviewed by planning director for consistency with the comprehensive plan, the regulatory requirements of the Langley Municipal Code, and the design review guidelines while also utilizing the evaluation methods under subsection (K) of this section. The director of community planning shall consult with the planning advisory board in open public meeting concerning the project application. Thereafter, the planning director shall submit a written recommendation to the hearing examiner to approve, approve with conditions, or deny the project.
K. Evaluation Method. Each project will be evaluated for innovation and achievement of the chapter goals using a number of factors. The evaluation factors are divided into three categories. If a project does not meet the affordable housing criteria or does not provide adequate assurances that the housing will remain affordable for 50 years from the date of approval, it shall not be approved. If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance, but still should be approved. The director of community planning may consider other alternative site development or building design practices not mentioned below that may be proposed by the applicant but meet the goals of this chapter.

1. Housing Diversity.
   a. Unit Type. Any attached or detached single-family or multi-family housing type is allowed. The project can include a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, triplex, tiny houses, or accessory dwelling units.
   b. Unit Size. The project is encouraged to include a variety of housing unit sizes that provide for a broad mix of income levels and family size.
   c. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels as outlined in Chapter 18.04.020. Designated affordable housing shall remain affordable for at least a minimum of 50 years from the time of final inspection on the affordable unit. Units that are affordable to a range of income levels are encouraged.

2. Use of Innovative Site Development Practices.
   a. Low-Impact Development. The project uses a low-impact development approach to stormwater management, unless determined to be inappropriate to the setting, through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:
      (1) Use of rain gardens and other water-absorbent plant growth media, with drought-tolerant native plants, combined with curb cuts and other proven low-impact development techniques for rainwater catchment and absorption, to lessen stormwater runoff. Invasive species shall not be planted.
      (2) An earthen separation between the street and sidewalk and bioswales.
      (3) Amended soils.
   b. Impervious Surfaces. The project reduces impacts from impervious surfaces through use of techniques such as:
(1) Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;
(2) Lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking;
(3) Crushed stone or brick for lightly used pedestrian paths; and
(4) Recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.
   c. Landscaping. Low maintenance landscaping that integrates a high proportion of native plants or
drought-tolerant plants that are climate appropriate.
   d. Common Open Space. The project provides connected common open space area set aside as active
closed open space and designed and integrated into the project.
   e. Transportation.
      (1) The project design provides enhanced sensitivity to pedestrian travel.
      (2) The project internally preserves existing informal, internal connection to external trail(s); or creates
new connections, where appropriate, to facilitate the City’s multi-modal transportation network,
   implement the nonmotorized transportation plan (NMTP).
      (3) The project reduces reliance on automobiles and trip counts, and promotes alternative
transportation and public transit.
      (4) The project accommodates needs of alternative vehicles, such as parking and charging facilities for
electric cars, by locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred
location, close to a main building entrance, or parking spaces designed for subcompact vehicles, such as
Smart™ cars.
      (5) The project integrates a parking space for a vehicle sharing program.
      (6) The project minimizes the visual dominance of automobiles throughout the project.
   3. Innovative Building Design Practice.
      a. Alternative Energy. The project utilizes, at least in part, alternative power and heat technologies
including, but not limited to, solar, passive solar, wind, and geothermal. All projects should preserve
solar access.
      b. Energy Efficiency. The project exceeds base energy efficiencies required by the building code by
integrating energy efficient building design and appliances.
      c. Water Efficiency. The project uses water efficiently by integrating low-flow water fixtures and/or
water re-use systems (i.e., greywater for toilets, landscaping).
      d. Green Building Materials. The project utilizes sustainable or “green” building materials internally and
externally.

7/25/2018
e. Accessibility. The project design incorporates access for residents of all ages and mobility inside and outside the home.

L. Notice and Public Hearings

Notification shall be undertaken in accordance with 18.36.020 and Public hearings shall be held in accordance with Ch. 18.36.060, 18.37

Notice of Public Hearing. Notice of public hearing shall be provided in accordance with the following:
1. Notice of the public hearing for the application shall be published in a newspaper of general circulation at least 10 days prior to the hearing date.
2. Notice of the hearing shall be mailed at least 10 days prior to the hearing in the same manner as for the notice of application.
3. The notices shall contain a brief description and the general location of the proposal, the time, date and location of the hearing and information about the availability of the staff report.

M. Public Hearing. The hearing examiner shall conduct an open record public hearing on the proposal in accordance with the following:
1. The hearing shall be scheduled for a date no sooner than 15 days after the issuance of the SEPA determination (if any) regarding the proposal.
2. The public hearing shall be consolidated with the hearing (if any) on any preliminary application submitted for the project.
3. Any person may participate in the hearing by submitting written comments to the planning department prior to the hearing or by submitting written comments or making oral comments at the hearing.
4. The planning department shall transmit to the hearing examiner a copy of the department file on the application including but not limited to the application and all materials submitted by the applicant, all written comments received prior to the hearing, the SEPA threshold decision, and records regarding public notice of the application.
5. The hearing examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

N. Hearing Examiner Decision. The hearing examiner shall make a written decision to approve, approve with conditions and/or modifications, or deny the project application based upon the record of the hearing and whether the proposed project is consistent with the purpose, goals and requirements of this chapter and other applicable provisions of the Langley Municipal Code.
O. Notice of Decision. A notice of decision shall be issued as provided in Section 18.36.130. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.050 Annual reporting requirements.
The owner(s) of a project receiving earned increased density. All associations and organizations who provide the affordability oversight must report under this chapter annually to city council regarding the status of the project. Information presented to city council annually shall include:
A. Total number of units in the project;
   For owner-occupied units:
   A. Number of units that changed ownership during the past year;
   B. The purchase price of each unit that changed ownership.
   C. The steps taken by the owner to ensure that each unit that changed ownership was transferred at an affordable price in accordance with Section 18.04.020;
   For rental units:
   A. Number of units that changed occupancy during the past year;
   B. The monthly rent of each unit that changed ownership.
   C. The steps taken by the managing association or organization to ensure that the monthly rent for each unit that changed occupancy was maintained at an affordable price in accordance with Section 18.04.020;

and

E. A summary of how the project’s innovative design features are functioning including the experience of residents, energy use, building quality, low-impact development, maintenance and other relevant topics. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.060 Expiration of innovative permanently affordable housing demonstration program and chapter.

Repealed by Ord. 1027. (Ord. 969 § 2 (Att. B), 2012)
Text that is underlined is new. Text that is crossed out is proposed to be removed.

Boarding houses is an example of shared housing. It is currently permitted but only as a conditional use. Allowing it as a permitted use would enable homes to be rented as a shared living accommodation where individual renters have their own room and share common facilities such as kitchens and/or bathrooms. This use is proposed for long term rental accommodation, i.e. monthly rentals. This is one form of affordable rental housing.

This use would be approved through an Administrative Review with notice to neighbors instead of a Conditional Use approval process that requires a hearing examiner review and approval.

Definitions 18.01.040

“Boardinghouse” means a single-family dwelling unit in which not more than four roomers, lodgers or boarders are housed or fed for compensation on a long-term rental basis and there are no kitchen facilities in rented sleeping rooms. “Boardinghouse” does not include rest home or convalescent home.

Chapter 18.09 Land Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>CB</th>
<th>NB</th>
<th>P-1</th>
<th>RM</th>
<th>RS5000</th>
<th>RS7200</th>
<th>RS15000</th>
<th>NB Retail Overlay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boardinghouses</td>
<td>X</td>
<td>CU</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>X</td>
</tr>
</tbody>
</table>

P – Permitted
S – Secondary
CU – Conditional Use
X – Not Permitted

*All uses permitted in the NB Zone are also permitted in the NB Retail Overlay Zone

Add a New Section 18.22.250

18.22.250 Boarding House

A. Purpose

Boarding Houses are permitted in certain situations to:
1. Create new housing units while respecting the look and scale of single-family neighborhoods;
2. Support more efficient use of existing housing stock and infrastructure;
3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
4. Create work force housing;
5. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
6. Provide accessible housing for seniors and persons with disabilities; and
7. Implement the Comprehensive Plan.

B. Conditions of Use

A boarding house

1. Is permitted in detached single-family residence only.
2. Is permitted for long-term rentals only (more than 30 days).
3. All rooms offered for rent shall be legally-established bedrooms.
4. On-site parking spaces are required in a quantity equal to the number of rented bedrooms.
5. Kitchen facilities are not located in individual bedrooms and shall be shared.
6. Shall comply with health and safety requirements.

Amend this Section

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.

7/25/2018
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.

9. Boarding Houses

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.
Draft Accessory Dwelling Unit
Code Amendments 7/25/2018

Text that is underlined is new. Text that is crossed out is proposed to be removed. *Italicized words are informational.*

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. *And may include a Tiny House.*

“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 18.22.155
Ch. 18.22.155

A. **Purpose**

Accessory dwelling units are permitted in certain situations to:

1. Create new housing units while respecting the look and scale of single-family neighborhoods;
2. Support more efficient use of existing housing stock and infrastructure;
3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
4. Create work force housing;
5. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
6. Provide accessible housing for seniors and persons with disabilities; and
7. Implement the Comprehensive Plan.

7/25/2018
18.22.155 Accessory dwelling units.
B. The following provisions apply to accessory dwelling units:
   A. Permitted as a second dwelling added to, created within, or detached from the principal residence;
   1. Accessory dwelling units maybe created within or detached from the principal residential building;
   2. One attached and one detached accessory dwelling unit is permitted on a residential lot with a single-family residence.
   3. Two detached Tiny Homes (less than 400 SF) are permitted on a residential lot with a single-family residence.
   4. One detached accessory dwelling unit is permitted on a residential lot with a duplex residence.
   5. Not less than 150 nor more than 1,000 gross square feet in size;
   6. May be established in either an existing or new residence;
   7. D. Limit of one ADU per legally established lot;
   8. Must be served by city water and sewage services, where available;
   9. The total lot coverage requirement of the applicable zone may be exceeded by up to 15 percent if necessary to accommodate an ADU;
   10. 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;
   11. If the ADU is included within or attached to the principal residence, only one entrance is allowed on the front of the principal residence unless more than one entrance on a front or street side existed as of March 1, 1995; additional entrances shall be on the sides or rear of the residence;
   12. The maximum height for a detached accessory dwelling unit is 15 feet. The height of accessory structures that include an accessory dwelling unit on the second floor 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 1. The relevant section in each RS zone must also be deleted. Ch. 18.06.060, 18.07.060 and 18.08.060
I. 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;
J. 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)

C. 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 and removed from the RS zone.

1. The following setback requirements shall apply to detached accessory dwelling units:
   a. 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.
   b. 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.
   c. 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.
   d. 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.
   e. Accessory dwelling units, the setback shall be not less than five feet from the rear property line with the exception of the RS15000 Zone District and an accessory dwelling unit shall not be less than ten 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.

f. 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;
Regulations in the following chapter regarding accessory dwelling unit setbacks shall be removed from this section and located in the consolidated regulation above.

18.22.030 Yards

B. Yards – Setbacks. No portion of any building, or structure, over 18 inches above grade shall extend into a required yard, with the exception of the following:

1. Eaves may extend no more than 18 inches into a required yard area; and
2. Accessory buildings and structures and detached accessory dwelling units may be located in the rear yard setback, as long as they are no closer than five feet from any property line; provided, that in the RS15000 zone, dwelling units may not be closer than 10 feet from any property line;
3. Rear Yard. A principal structure may extend up to six feet into the rear setback; provided, that the extended structure is limited in width to 20 percent of the average lot width and is no higher than 12 feet.

D. Pre-existing Accessory Dwelling Units

Conditions for legalizing pre-existing accessory dwelling units

An accessory dwelling unit that existed (date of ordinance approval), may be legally established and may continue to be used as an accessory dwelling unit if the following conditions are met:

A. The property owner files an application for the accessory dwelling unit. The administrator may waive the size limitations if the reduction of the floor area required to bring the pre-existing unit into compliance is impractical to achieve.

B. Prior to issuance of a permit, the property owner allows inspection of the accessory dwelling unit by the city to ensure the minimum requirements of this chapter relating to fire, life safety, and public health are met, as determined by the director. All improvements necessary to bring the pre-existing accessory dwelling unit into compliance with applicable fire, life safety, and public health requirements shall be identified and made within 30 days of permit issuance.

C. Prior to issuance of a permit, the property owner shall complete and record an affidavit.

E. Amnesty Period

Any existing illegal ADU will not be subject to enforcement action if an application to legalize the ADU is submitted with 24 months of the adoption of these regulations. During this 24-month period the ADU permit fee will be waived.
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, and associated accessory dwelling units and Tiny Homes 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 or Tiny Homes

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.
NOTICE of PUBLIC HEARING

Notice is hereby given that the City of Langley will hold a Public Hearing shortly after 5:30 pm on Monday August 20, 2018 as Langley City Hall. The purpose of the Public Hearing is to solicit public input and comment from interested individuals and groups on the adoption of **Ordinance No. 1046 to establish a six-month moratorium on bed and breakfast rooms and bed and breakfast inns (short term rentals) in RS5000, RS7200, RS15000 and Residential Mixed zones.**

Langley does not discriminate on the basis of disabilities. If you need special accommodation, please contact City Hall within three business days prior to the Public Hearing at (360) 221-4246.

Comments may be presented orally at the Public Hearing or submitted in writing to the City of Langley, P.O. Box 112 2nd Street, WA 98260, or by e-mail to: planning@langleywa.org, prior to 5:00 PM on Friday August 17, 2018. Copies of Ordinance No. 1046 is available at City Hall. Questions may be answered by contacting City staff at (360) 221-4246.

DATED this 26th day of July 2018.
Posted: 26 July 2018 on City website
SHORT TERM RENTALS (STR)

PAB Discussion Paper 8/1/2018

A. BACKGROUND

- Bed and Breakfast Regulations were originally adopted in 1989 so they reflect the traditional model of B&Bs
- November 2016 held a meeting about this use and was mostly attended by operators. There was general agreement that the current code is confusing and unclear and that it needs to be updated to reflect the new reality of STR.
- Discussed during the Comp Plan review and the following policy was adopted under the Housing Goal H-4 Housing Affordability policy H - 4.9 “Review the impacts that vacation rentals (Air B&B, VRBO, etc) may be having on long term rentals and housing affordability and if necessary, develop a strategy in response.”
- Island County Housing Needs Assessment determined that 27% of dwelling units in South Whidbey are vacant, i.e. second or seasonal homes. These units that are prime candidates for this use.
- Growing numbers of this use in Langley
  - a. Approximately 74% of these operators don’t have a business license
  - b. Between 2015 and 2017 the number of private STR rooms increased from 49 to 195, a 400 percent increase
  - c. During that period the number of operators increased from 13 to 45, a 350% increase
- In the last 2 ½ years the City has received four applications for this use. In this period there have been many more inquiries about starting a STR.
- July 16th Council adopted a 6-month moratorium on accepting applications for this use while the PAB considers code amendments.

B. DRAFT Goals for a new STR ordinance

- Equitable
- Easy to understand
- Easy to implement
- Enforceable
- Reflect current reality of online bookings
- ???

C. Current code discussion

What is working?

What is not working?
D. Considerations:

Permitted use/Accessory use/Conditional Use
Owner occupied only
Owner lives there more than 3 months, 6 months, 9 months?
Approval process
Enforcement process:
  for operators that do not obtain permits/approvals
  for operators that do not meet the conditions of their approval
Maximum number of guests/rooms
Regulations regarding noise, parking, signs, health and safety and such are elsewhere in the Code