CITY OF LANGLEY
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RELATING TO THE CITY'S ZONING CODE CONTAINED IN TITLE 18 OF THE LANGLEY MUNICIPAL CODE; ADOPTING NEW LMC CHAPTER 18.03 WHICH ESTABLISHES A DEMONSTRATION PROGRAM FOR MIXED USE HOUSING PROJECTS WITHIN THE CENTRAL BUSINESS ZONE; AND ADOPTING A NEW LMC CHAPTER 18.04 WHICH ESTABLISHES A DEMONSTRATION PROGRAM FOR DEVELOPMENT OF INNOVATIVE PERMANENTLY AFFORDABLE RESIDENTIAL UNITS WITHIN THE CITY'S THREE RESIDENTIAL ZONES AND THE MIXED RESIDENTIAL ZONE.

WHEREAS, the City of Langley adopted a Growth Management Comprehensive Plan in December 19, 2007, which was developed and approved consistent with the Washington State Growth Management Act (RCW Chapter 36.70A); and

WHEREAS, pursuant to RCW 36.70A.130 each local comprehensive land use plan and development regulation is subject to continuing review and evaluation by the City; and

WHEREAS, both the Growth Management Act and the Housing Policy Act require the City to provide housing opportunities for all economic segments of the community; and

WHEREAS, the City's Comprehensive Plan encourages revisions to the City's development regulations to increase the supply of affordable housing; and

WHEREAS, RCW 43.185B.007 states that “[i]t is the goal of the state of Washington to coordinate, encourage, and direct, when necessary, the efforts of the public and private sectors of the state and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state” and “that attainment of that goal is a state priority”; and

WHEREAS, in accordance with the directives of the Growth Management Act, the Housing Policy Act, and the City's Comprehensive Plan, the purpose of this affordable housing demonstration ordinance is to facilitate the construction of innovative owner/renter occupied affordable homes by organizations that can demonstrate to the City Council's satisfaction, after review and approval by the Planning, an ability to finance, manage, and monitor affordable home sales/rents to assure permanent affordability; and

WHEREAS, the City Council finds that providing earned increased density and regulatory modifications for affordable home ownership projects which meet appropriate criteria will help promote the development of affordable home ownership opportunities; and

WHEREAS, single family neighborhood character can be protected, maintained, and possibly enhanced by requiring that affordable home projects be developed consistent with the City’s design review guidelines; and

WHEREAS, Washington State adopted its Growth Management Act to address problems associated with the spread out patterns of growth that have predominated in recent decades; and
WHEREAS, the mixed use demonstration program contained in this Ordinance is intended to implement comprehensive plan goals and policies encouraging infill development, more efficient use of the remaining developable land, and more efficient use existing infrastructure, and protection of environmentally sensitive areas and rural lands; and

WHEREAS, infill development and innovative affordable housing developments should be designed to fit the existing context in order to gain neighborhood acceptance and a cooperative partnership between government, the development community, the neighborhood, and other resources is essential to achieve infill success; and

WHEREAS, both demonstrate programs are established for trial periods to assist the City in the development of regulations that will promote infill and affordable housing development upon the conclusion of the demonstration programs; and

WHEREAS, in accordance with RCW Chapter 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on September 12, 2011, and was granted expedited review on September 28, 2011; and

WHEREAS, the Planning Advisory Board (PAB) met in open public meetings on October 10 and 24, 2011, to discuss the proposal that is subject of this Ordinance prior to scheduling the matter for a public hearing; and

WHEREAS, the City's SEPA Responsible Official has reviewed this Ordinance and related environmental checklist and has issued a Determination of Non-Significance (DNS) threshold determination under the State Environmental Policy Act (SEPA); and

WHEREAS, after due and proper notice the PAB held a public hearing on November 14, 2011 on the two proposals; and

WHEREAS, the PAB considered the staff report and public comment received and recommended that, with amendments responsive to the public testimony and suggestions of PAB members, this Ordinance be adopted; and

WHEREAS, on November 21, 2011, the PAB issued written Findings of Fact, Conclusions of Law and Recommendation (Recommendation) attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed changes to LMC Title 19 that are contained in this Ordinance; and

WHEREAS, on __________, 2011, the City Council in open public meeting reviewed the recommendations of the PAB and support their recommendation and Findings of Fact and Conclusions of Law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter 18.03, a demonstration program for Mixed Use Housing Projects within the Central Business Zone, attached hereto as Attachment A, is hereby adopted as part of Title 18 of the Langley Municipal Code.

Section 2. New Chapter 18.04, a demonstration program which would allow a limited number of demonstration projects for innovative permanently affordable residential units within the City’s
residential zones and mixed residential zone, attached hereto as Attachment B, is hereby adopted as part of Title 18 of the Langley Municipal Code.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect five days after publication of an approved summary thereof consisting of the Ordinance title.

PASSED by the City Council and APPROVED by the Mayor on ________________ day of ________________, 2011.

ATTEST

MAYOR

Debbie Mahler, Clerk-Treasurer

Larry Kwarsick, Mayor

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

Published: ________________