



To: Planning Advisory Board  
From: Reynolds, Director of Community Planning  
Date: 1 February 2018

---

### **Purpose**

To review the draft “Green Building Ordinance” and to schedule a public hearing.

### **Background/Discussion**

In February 2017 City Council agreed to participate in Sol Smart, a national designation program that recognizes communities that reduce barriers to solar energy development. Since then staff have been working with an advisor from Spark Northwest to review our Code and processes to identify what amendments are necessary for Langley. At its regular meeting on September 18, 2017 Council directed staff to draft an ordinance. The draft ordinance is prepared and addresses a wider range of alternative energy generating systems than solar. A SEPA determination of non-significance was made January 18, 2018, notification was completed and no comments have been received. On January 18, 2018 the draft ordinance was sent to the Department of Commerce requesting an expedited review. The State granted expedited review on February 1, 2018.

The draft ordinance is attached for PAB’s review. A summary of the amendments includes:

- Defining green building systems and their related elements
- Permitting green building systems by right as an accessory use in all zones
- Permitting green building systems to be located in setbacks with conditions
- Permitting green building systems to exceed the maximum building height under certain conditions.
- Excluding DRB review for green building systems under certain conditions
- Excluding ground mounted systems from impervious cover calculations

The proposed amendments are consistent with both the current (2013) Comprehensive Plan Utility Element Objective 2 and policy a and the draft Comprehensive Plan Goals UCF-8 and H-6 as well as policies UCF-8.1, LU-12.4, H-6.3, S-8.4 and S-9.4.

An outstanding code amendment is required to amend the building permit fees for systems larger than 15 kW based or those systems that don’t comply with the checklist on either a flat fee assessment or based on the value of the system less the panels. This amendment will be completed as part of a larger amendment to the fee structure.

As required by the LMC 18.36.040 the PAB must hold a public hearing for amendments to Chapter 18, Zoning Code.

### **Recommendation**

To hold a public hearing on March 7<sup>th</sup> at the regular PAB meeting.

**DRAFT GREEN BUILDING ORDINANCE**

City of Langley  
Langley, Washington

**Ordinance No. XXX**

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

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

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

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

WHEREAS, THE City of Langley has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and Langley's Municipal Code (Chapter 16) by making a determination of nonsignificance on January 18 after providing legally required public notice. No comments were received.; and

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

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

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

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

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

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

Section 1. Chapter 18.01.040 of the Langley Municipal Code, is hereby amended as follows:

By adding the following definitions:

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

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

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

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

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

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

Chapter 18.09 Land Use Table

By adding **Green Building System** as a secondary use in all zone districts

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

By adding **Chapter 18.22.250 Green Building Standards**

Purpose:

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

18.22.255 Setbacks

- A. Ground mounted small wind energy systems may be located in any setback provided they are located a minimum of 13 feet from all lot lines and residential buildings or 1/2 the setback distance, whichever is greater.
- B. Ground mounted solar collectors shall meet setback requirements for the front and side yards for accessory structures in the zone district in which it is located and may be located in the rear yard provided they are located a minimum of 1/2 the setback distance.

- C. Green walls can project into a building setback by 2 feet.
- D. Rainwater collecting structures, equipment and apparatus, including rain barrels and cisterns, that do not require a building permit may be sited within the required building setbacks.
- E. Where exterior wall thickness is in excess of 6.5 inches provided that the wall thickness is utilized for the provision of insulating materials and/or protection against wind, water and vapor, the minimum distance to an abutting lot line as permitted elsewhere in the Code may be reduced by 10 inches

18.22.260 Height

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

18.22.265 Solar Access

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

18.22.270 Maximum Lot Coverage

- A. Ground mounted solar collectors are excluded from lot coverage calculations.

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

By deleting the following sections:

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

~~18.25.060 C. Solar collectors are permitted in required setbacks.~~

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

18.34.030 Scope is hereby amended as follows:

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

By adding subsection B. 1. For the purpose of this chapter, Development does not include underground utilities, color changes to the exterior of building; roof-mounted green building systems and ground mounted green building systems in rear yard setbacks.