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City of Langley
PLANNING ADVISORY BOARD
MINUTES
SEPTEMBER 2, 2020
LANGLEY CITY HALL
112 2nd Street, Langley WA

Attendance: Rhonda Salerno, chair, Maralie Johnson, Burt Buesch, Casey Gloster and Greg Easton
Staff: Brigid Reynolds, Alex Cattand
Council: Christy Korrow, Dominique Emerson, Craig Cyr, Peter Morton
Guests: Marianne Edain, Ross Chapin

1. The meeting was called to order at 3:00 pm
2. The agenda was approved
3. The minutes of August 5, 2020 were approved with the following amendment:
In the racial justice section, the topic of historical racism was added but not discussed in the meeting. It is suggested that the topic on how in the past, people of color were prevented from buying homes and property, could be discussed further in a subsequent meeting.
PAB board approves the minutes of August 5, 2020.

Discussion Items

- a. **Planned Unit Development draft code (Ch. 18.26)**
Hazel Borys and Susan Henderson from Place Makers run through a presentation of the proposed form-based code draft.
 1. Summary of Input
 - Issue of affordability.
Community is greatly in support of affordable housing.
 - Assuring that the critical areas are protected and open spaces meaningful.
 - Permitting mixed use without competing with downtown.
 - density and parking requirements. There are mixed opinions from the community.
 - Response to the comments are presented in the form of a spreadsheet that will be provided by Pacemakers.

2. Outline of the code.
 - It follows a normal chapter, similar to what can be found in Chapter 18 where there is purpose and applicability.
 - Intensity areas are established. (PUD-Low, PUD-Medium, PUD-High).
 - Then, the consultants reviewed sections 040 and 050 standards that belong in Title 17 or that replace specific regulations from the subdivision code: street, blocks, lots and platting. This is where issues associated with sustainability and affordability can be found-
 - Issues of open space (civic space). The community wants it to be meaningful.
 - Zoning standards, development standards, process and administration.

- The consultants went into greater detail of the code
 - * **Zones of Intensity**
 - PUD-H, Downtown: highest
 - PUD-M, Immediate surroundings: medium.
 - PUD-L, outside: Low
 - Low Intensity is not required but is permitted because it is the least compatible with affordability and greatest amount of impervious surface per residential unit.
 - low intensity shows an ADU over a garage.
 - Medium intensity has a large range of housing types (cottage court, triplex, ...). Single family can be done but many more creative forms of housing that achieve greater affordability.
 - High intensity shows mixed use buildings, residential or office above retail, multifamily buildings or one-story makers' place.

 - * **Streets** (3 types)

2 streets and 1 lane allocated per the intensity area. All require sidewalks, all multi modal, all bike routes. They have closed speeds and reduced impervious surface, all require one side to have on-street parking and in low & medium intensity areas the parking is pervious (gravel).

 - * **Lots** (biggest tools toward affordability). It allows smaller lot sizes.
 - low intensity is similar in scale to RS 5000. 50 feet minimum width and no maximum width.
 - medium intensity has a range lot widths from 18 feet (townhouse) to 150 feet (cottage court).
 - High intensity has a range of lot widths from 16 feet (incubator retailer or business) to 250 feet (makers space).
 - This code doesn't look at overall lot area because lot depth is flexible (to accommodate local topography with critical areas where in some cases a deeper lot might be appropriate. Priority has been given to the lot width because it is what more impacts the public realm OR experience.

 - * **Open space** (5 types and the size of each is established)
 - Conservancy: 5 acres minimum. Main job is to preserve the critical areas but permits trails and a dual purpose of storm water management.

- Green space: 1 acre minimum to 8 acres maximum. The heart of the neighborhood with 25% of the perimeter to have streets.
- Square: .25 acre minimum to 5 acres maximum with 50% of the perimeter to have streets for access ability and to become the heart of a neighborhood.
- Playground. No minimum.
- Community garden. No minimum. There is a need for local agriculture. People want to be able to produce their own food.

- **Permitted Uses**

Instead of having use embedded in this chapter, the uses were integrated in the existing use table. New use added is the makers place.

- * **Frontages**

Unique to this code.

This is what happens between the facade of the building and the lot line.

Blank walls have to be limited when trying to encourage a livable high density.

Building fronts need to remain active Frontage types come from Langley (familiar) for each intensity levels (porch, stoop, terraces, common entry, storefront and canopy) assigned and described through a table that describe the standard for each type (percentage of glazing, depth of frontage and height above grade.)

- * **Zoning standard.**

The regulations for each intensity district is shown in a single table

- Easier for all (applicant, staff and planning board) to read.
- Simplifies the application review process

- * **Building height.**

PUD-L low intensity = 2 stories.

PUD-M Medium intensity = 2.5 stories (2 stories + habitable attic).

PUD-H High intensity = 3 stories.

- * **Process.**

Concern → How can a plan once approved be followed through if the parcels are sold over time?

Answer → The approval process requires a development agreement be secured between the developer and applicant. State regulations require development agreements to address affordable housing in a meaningful way. This becomes a negotiation between the City and developer.

The approval process requires public hearing and all major amendments require an entirely new approval process.

4. a. **PAB, Council members and citizen questions and comments.**

Greg Easton: Height limits expressed in stories versus height dimension?

No limit on height allows for taller windows and more natural light and cross ventilation.

Limits commercial competition-with downtown. There is a potential of restricted area.

Floor height limit is 14 feet/story max. Ground floor limit is 20 feet max.

Casey Gloster: Ability to control where businesses might be located based on height. How would that be done through zoning?

Where businesses are located is really regulated by the use table but this new chapter only applies if you have at least 5 acres and they have to comply with chapter 16 on critical area protection, and if fully severed. It can only be used if in medium (PUD-M) or high (PUD-H) intensity. Location of businesses not directly tied to height.

Casey Gloster: Is Langley able to mandate its own height restrictions clear of Island County restrictions? yes, regulation is usually regulated by height of fire truck or it could be required to be fully sprinkled. Langley has home rule (independent of county zoning). LMC requires buildings over 3000 square feet to be fully sprinklered.

Dominique Emerson: Do makers space include a restaurant or bar or wine shop?

Yes, it is a permitted use. As it is the code allows mixed use. Dominique recalls issue in the spy hop location (not the business) because adjacent to homes with complaints. Issues relating to noise of commercial type HVAC as commercial units are louder than residential units. This is why, in the code, there are explicit restrictions on the intensity of the use in the medium intensity areas- Restricted in the size if mixed with residential.

The size of the building limits the size of the HVAC therefore limits the decibel levels.

Maralie Johnson: Lot size?

Lot dimensions. page 7 under 18.26.050-C Platting standards. Lots-most meet the following width requirements. PUD-L: 50 feet min., no max. PUD-M: 18 feet min, 150 feet Max. PUD-H: 16 feet min., 200 feet Max

Craig Cyr: Assuming the builds have a permanent affordable housing component. How will these components remain affordable at the time of sell? How is it shielded from a market that might have gone up 50%?

Outside of the scope of zoning but it might live in the development agreement-The applicant will have to present something, as in LMC section: Innovative Affordable Housing, to preserve the affordability. Usually it is time based (10-20 years).

There are examples of some black community having shown criticisms against permanently affordable housing because of the restriction on the person who acquires it to never be able to benefit and encourage that the window be smaller so the owner be able to access wealth over time. The burden of answering the question falls on the applicant that will have a development agreement that makes sense. Concern expressed that the development agreements are dependent on who is in leadership at the time.

Rhonda Salerno: There is a need for clearly defining what open space is in the code.

Rhonda Salerno: Environmental codes. CCRs in a lot of places-Is that what they're going to require in the development application to propose?

If they have an HOA they'll be required to have CCRs. If they don't, if they choose to dedicate all the open space and the streets to the city, then they might not have CCRs, but it is very unusual. Environmental restrictions are controlled in Ch. 16.20.

Marianne Edain: Businesses require regular truck deliveries, how is this accommodated in the PUD-H category?

It is handled by the normal title 18 and the engineering standards, it is subject to the same access and loading standards as the rest of the code.

Marianne Edain: Intensity areas per PUD percentages?

These are application restrictions. The percentages are within an application. In the site, 40% can be low intensity PUD-L, 50-75% medium intensity PUD-M and 5- 25% high intensity PUD-H (which doesn't have to be commercial, it can be multifamily to help deliver affordability).

Marianne Edain: Street trees & plants (list of approved street trees). List is inappropriate for the Pacific Northwest.

It was acquired from the State of Washington but if Marianne wants to edit the list, PlaceMakers is happy to take recommendations.

Marianne Edain: How do we balance the development potential with the presence of the critical areas?

If the open space is assessable and at least a pervious half, it could count towards the open space requirement. The critical areas have to be the beginning of the process.

Marianne suggest that the term "noxious" be removed as it is a relative term and that only the term "invasive" remains.

Marianne Edain: How is public notified during the process?

Placemakers will clarify the notification process.

Ross Chapin: Discussion over the use of the word "civic" vs "open" space –

Ross Chapin: Open space and the condition of the land. The forest on the island are unhealthy- Monoculture over the years, trees are too close together and too numerous with no undergrowth How does the code address that issue?

Ross wants to take the code for a test drive. He is looking for a sense of community, social space as well as personal space and privacy. The code goes from individual dwelling to public space but he often goes from the dwelling to some buffered space. Ross ask what if there is a way to change or revise the code or is there any administrative flexibility.

At this time, the code does not. It would have to follow state law to revise the code through text amendments through Council. Zoning like comprehensive plans need to be a living document because context change over time.

Ross Chapin: Idea of incremental appropriate development shifts and changes.

Small houses set back which gives way to large houses closer which gives way to more mixed use which in turn gives way to a town/village center over time. This process happens naturally.

The problem is when a place develops and jumps two or three increments which can be inappropriate and the economics & values can be inappropriate.

The suggestion is that the move to the next increment can be allowed by right going through the regulations and standards but not through more increments immediately.

Successional planning is quite academic at this moment. The Langley community would oppose the idea of more "by right" without discussion. PlaceMakers has not seen a city which is comfortable with that

idea. The incremental development is inherently integrated to the code in the allowable percentages of intensity where the numbers can change over time as the market changes.

Christy Korrow: Better understand Page 24 section C#3

The city council can modify the examiner's recommendation or remand it to the examiner for reconsideration but the council has to approve the code and the comprehensive plan.

As part of this process, there will be a community meeting on September 24, 2020 to take additional community input.

Marianne Edain: The understanding that after approval of a PUD, after construction and occupation that an intensification via an amendment would be allowed.

Not true. The code states that any changes of intensity is a "major" amendment and is subject to a whole new application and hearing process. But the intensity can be changed within an undeveloped part of the application if it is less than 20% change in the total area.

Casey Gloster: Affordability? defined?

It is defined within the code but for a single project, it will depend on the scale of the project.

This subject will need to be revisited in the future.

Hazel Borys: The higher percentage of open space required, the harder, affordability will be to reach.

Ross Chapin: Bureaucratic process, if too complicated, could drive developers to build bigger buildings vs creative, naturally affordable.

5. New Business.

Rhonda Salerno suggest to build up funds to build Langley's own affordable housing and wants to propose options for Council to consider-

6. Citizen comments

Moved in 4. A

7. Announcement

Brigid Reynolds shares the upcoming meetings list.

8. Adjourn.

PAB adjourned meeting at 5:05pm.