



Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Meeting Date: March 3, 2021

Purpose: To hold a public hearing to receive testimony for Ordinance No. 1076 Comprehensive Plan 2020 Annual Update and related exhibits and receive the findings of fact report and recommend the packet be forwarded to Council for its consideration and first reading.

Discussion

Pursuant to RCW 36.70A.130 cities and counties are required to review and amend their comprehensive plan and development regulations on a period basis every eight years. Amendments may also be considered on an annual basis. The proposed amendments introduced in this report are consistent with the scope of an annual review.

The following is a generalized list of amendments proposed to the Comprehensive Plan:

- Add a goal regarding dismantling systemic racism to recognize that the City must begin to systematically review and change its policies and practices to create a more inclusive and anti-racist City.
- Add references and policies regarding form-based codes as an innovative planning tool that will enable this type of zoning code.
- Add policies to support amendments to the LMC Chapter 18.26 for Planned Unit Development with specific reference that these types of development shall include affordable housing.
- Adding a reference that the goals and policies in the Shoreline Master Program form part of the Comprehensive Plan.
- Add a Planned Unit Development overlay in Map LU-5 in support of amendments to Municipal Code Chapter 18.26.
- Add a new map UCP-7 that identifies the Retail Water Service Area for the City's water system.

At PAB's regular meeting on January 6th the Board reviewed the proposed amendments and recommended a few additional amendments. At the regular City Council meeting on January 19th, Council reviewed the Comprehensive Plan amendments and recommended the PAB proceed with a public hearing.

The following is a detailed list of the proposed amendments. Words that are underlined are new additions, words that are ~~crossed-out~~ are being deleted and words that are *italicized* are Comp Plan goals and/or policies.

Executive Summary

- Add reference “and subsequent amendments” to Comprehensive Water System Plan and Shoreline Master Program (pg. 3)
- Add the list of amendments for the Comprehensive Plan update (pg. 4)
- Add a goal entitled “Anti-Racism and Social Equity” to recognize adoption of the Dismantling Systemic Racism (DSR) Resolution and creation of the DSR Working Group (pg. 6)

Land Use

- Add reference that the Shoreline Master Program (SMP) is incorporated into the Land Use element by reference. (pg. 6) This is necessary to comply with the Shoreline Management Act.
- Add ‘makerspace’ reference to expand the ‘cottage industry’ reference. (pg. 9) ‘Makerspace’ is a more common term and is included in the new PUD code.
- Add reference to Combined Water Service Area and map UCF – 7. (pg. 10) This to comply with the draft Water Comprehensive Plan.
- Add references to form-based overlay for multi-family infill. (pg. 17) To support the proposed draft MF infill code.
- Add description of mixed-use PUD amendment and reference to the new map No. LU-5. (pg. 17) To support the proposed draft PUD code. With added reference to affordable housing.
- Amend policy LU-4.4 to add reference to MF Infill form based code overlay.
 - *Higher density development is permitted in single family neighborhoods when integrated in a sensitive manner, with the use of the multifamily infill form-based code overlay.*
- Amend policy LU-4.6 to add reference to mixed use neighborhoods are encouraged through PUD overlay.
 - *A mix of land uses is supported where they are sensitively integrated including, for example, home occupations in residential areas, higher residential densities adjacent to lower residential densities, and combined retail/residential uses in the commercial areas. Mixed use neighborhoods are encouraged through the use of the Planned Unit Development overlay.*
- Amend policy LU-4.8 to add reference to multi-family infill and remove reference to integration being a conditional use.
 - *Support innovative strategies that facilitate the development of a range of affordable housing options. Such strategies may include clustered residential developments, density bonuses for developments that include “affordable” units/lots, accessory dwelling units, cottage housing developments, multi-family infill ~~as a conditional use~~ in single family neighborhoods, and inclusionary zoning.*
- Amend policy LU-4.15 to reference PUDs.
 - *Higher density development is permitted in multi-family neighborhoods when integrated in a sensitive manner through the use of the Planned Unit Development.*
- Amend policy LU-5.5 to add a reference to makerspace.
 - *Develop and implement a strategy to permit low impact (cottage) industries or makerspaces that are small scale, have limited negative impacts and are consistent with Langley’s character.*
- Amend policy LU-7.4 b) to correct reference related to CWPP 3.4.5.

- *Variances and waivers will not be considered for short and long subdivisions or new non-residential development.*
- Add policy LU- 10-9 to enable multi-family infill form based codes.
 - *Permit multifamily infill through the use of a form-based code to meet the goals and objectives of this Comprehensive Plan.*

Housing

- Update Table H-8 Permitted Densities to add reference to Multi-family Form Based Code
 - *is controlled by bulk standards, not number of units per acre. And references to PUD and Multi-Family Infill Form Based Codes (pg. 10)*
- Add reference to permit multi-family housing as infill (pg. 12)
- Add reference to the MF Form Based Code and Planned Unit Development code. Including reference to affordable housing units with the PUD code. (pg. 10, 13, 15)
- Add reference to form-based codes as an alternative to conventional zoning. (pg. 13)
- Amend policy H-1.1 to add new bullet.
 - *permitting multi-unit housing in single family neighborhoods through a form based overlay.*
- Amend H-1.3 to reference multi-family infill.
 - *Actively Promote Enable the ‘missing middle’ housing typology that includes row housing, townhouses and small-scale apartments to be developed as infill within existing single-family neighborhoods.*
- Amend H-4.1 to reference form-based code and planned unit developments.
 - *Explore innovative techniques that enable increased housing affordability including but not limited to long term rentals of accessory dwelling units (ADU), a housing trust fund, inclusionary zoning, density bonuses, smaller lot size, elimination of minimum lot size with appropriate open space, expediting permit processing, exempting Real Estate Excise Taxes (REET) to qualified sellers; incentives such as reduced or waived connection fees and reduced parking requirements, form-based codes, mixed use planned unit development, and other provisions to be determined.*
- Amend H-4.2 to expand how the City might work with Island County to establish regional funding opportunities for affordable housing.
 - *Work with Island County and other local governments to investigate and implement regional funding options to support the development and/or maintenance of affordable housing such as a regional housing trust fund, regional housing tax levy, real estate excise tax or other mechanisms.*
- Add new goal H- 7 and policies for mixed use neighborhoods as follows:

Goal H-7: Mixed Use Neighborhoods

Encourage the creation of mixed-use neighborhoods that integrate a mix of housing types and densities, including affordable housing units, limited commercial services, and access to recreation.

<i>H – 7.1</i>	<i>Establish a mixed-use PUD overlay designation to allow discrete areas to be treated differently and more flexibly than allowed under current zoning standards.</i>
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H – 7.2	<i>Ensure that mixed use PUD neighborhoods are of sufficient size to promote an appropriate mix of residential and commercial uses.</i>
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H – 7.3	<i>Limit commercial uses in mixed use PUD neighborhoods to businesses that primarily cater to neighborhood residents, such as small grocery stores, small food service, and personal professional services.</i>
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Utilities & Capital Facilities

- Add reference to new map UCF no. 7 that shows the Combined Water System Area. (pg. 7)
- Amend policy UCF-1.4 to accurately reflect Retail Water Service Area and Municipal Law.
 - *City sewer ~~and water~~ shall not be extended outside the UGA unless necessary to respond to a documented public health hazard caused by existing development which cannot be remedied in any other reasonable way.*
 - *Where contiguous to the City boundary, inclusion into the UGA, annexation and a development agreement shall be conditions of extending sewer ~~and water~~ services to these properties. (CWPP 3.6.1)*
 - *Where the property is not contiguous to the City boundary a development agreement shall be required and the extension of services shall not facilitate urban development.*

Conclusion

The proposed amendments are addressing new priorities that were not previously identified. The addition of the dismantling systemic racism goal is an important addition in that it is another step for the City to show its commitment to this work. The Dismantling Systemic Racism Working Group intends to begin work to prepare substantive goals and policies for inclusion in the Plan. Amendments related to the Planned Unit Development overlay are necessary in order that Council may consider adopting the draft PUD Ch. 18.26. Adding the references to the Shoreline Master Plan is necessary to be compliant with the Shoreline Management Act. Including map no. UCF – 7 is required by the Department of Health related to its approval of the draft Water Plan. Adding references to the multi-family infill form based code is not necessary but good amendments to ensure consistency between the Comp Plan and LMC.

The draft Comp Plan amendments have met the 60-day review period required by the Department of Commerce. The required SEPA notice and a determination of non-significance has been issued. No comments were received during the SEPA comment period. The public hearing notice was made consistent with LMC section 18.36.020.

Attachment No. 1 - Ordinance No. 1076

Exhibit A to Ordinance No. 1076 contains the Findings of Facts and recommendations to the City Council.

Exhibits B – Executive Summary

Exhibit C – Land Use Element

Exhibit D – Housing Element

Exhibit E – Utilities and Capital Facilities Element

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Exhibit F – Land Use Map LU-5

Exhibit G – Utilities and Capital Facilities Map UCF-7