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City of Langley
PLANNING ADVISORY BOARD
MINUTES
MARCH 3, 2021
LANGLEY CITY HALL
112 2nd Street, Langley WA

1. The meeting was called to order at 4:03 pm
Attendance: Rhonda Salerno, chair, Burt Beusch, Casey Gloster, Greg Easton
Staff: Brigid Reynolds, Alex Cattand
Guest: Hazel Borys, Susan Henderson
Attendees: Kennedy Horstman, Barbara Schaetti, Irene Vernon, Rose Hughes, Ali Taysi, Ross Chapin, Scott Chaplin, JR Fulton, Linda Kenny, Chris Byrne. Additional attendees included Bob, Craig Cyr, Francine St Laurent, M. Wilson, Paul Schissler, Shelly, Tiffany Lun, Tom Felvey, Debbie Turk, and Kathy2.
2. The agenda was approved with the following changes.
 - item 4(a) move down so Scott Chaplin can join the conversation
 - Public meeting for the Shoreline Master Plan.
3. The minutes of 02103/2021 were approved with a typo correction. at item 4 b. § 6: "PAB moved."
4. Public Hearing Ordinance No. 1076 for amendments to the Comprehensive Plan.
PAB opens the public hearing on Ordinance 1076 at 4:10 pm
Brigid summarized the staff report on Ordinance 1076 Comprehensive Plan 2020 Annual Update and related exhibits.
Public Comments
 - Kennedy Horstman read statement from DSR advisory group.
 - Barbara Schaetti made a supportive statement on behalf of DSR
 - Irene Vernon also made a supporting statement on behalf of DSR
 - Brigid reads comments received by email Mary Lochrie, Crab Ally, Langley questions that systemic racism is an issue here and Margaret King, Clinton asked for an explanation as to what is systemic racism and questions the need for the inclusion of this goal.Brigid reads through Exhibit A: fact and findings
Rhonda moved/Greg seconds that the PAB recommend Ordinance No. 1076 and related exhibits be forwarded to Council for 1st reading. Unanimous.

PAB closed the public hearing on ordinance 1076 at 4:31 pm.

5. Public Hearing Ordinance No. 1077 for Ch. 18.26 Planned Unit Development neighborhoods (PUD).

- PAB opens the public hearing for Ordinance 1077, Ch. 18.26 .
- Brigid summarized the staff report on Ordinance 1077 for a new Ch-18.26 PUD.

Public comments.

- Rose Hughes: Expressed concern that affordable housing was not being clearly defined in the PUD code and left up to the negotiating committee and that it comes at the end of the process after both the developer and the city has invested a lot of work into the process. This will make it very difficult to negotiate for a significant affordability element of a proposed development. She states that it is very important to empower the negotiating committee to be able to stand strong for affordability by having greater definition of that would mean whether it is percentages or number of units.
- Ali Taysi: speaking on behalf of the Coles Valley property owners, land use consultant and planner based in Whatcom County and serves on the City of Bellingham Planning Commission. The owners are very supportive of the proposal as it allows for innovation, good design, additional density, an affordable housing component and environmental preservation to generate good products. Ali has comments on two components:
 - affordable housing: if the engagement with the negotiating committee happens too late it will be difficult to affect change. Defining affordable housing in the PUD by using the existing language in Section 18.04 would be appropriate so the codes are consistent. He discourages setting quantitative measures in the ordinance because every project is different and site specific. It could become a barrier. Providing maximum flexibility will generate the most potential and it will get used.
 - administrative waivers (p 27 § J): very supportive of provisions for administrative flexibility within ordinances. He believes the administrative waiver component is not flexible enough. Table 13 (p 28) limits administrative waivers to a very short list of items in a very prescriptive fashion. He encourages the City to change the language in § J 2 to eliminate the reference to the Table entirely and to set a broader administrative waiver policy that would allow someone to request administrative waivers from any design standard and any dimensional standard up to 20% to allow for greater flexibility. Ali is sharing and emailing his edits over to Brigid.
- Susan H. responds to Ali's comments. She agrees on the affordable housing definition and says that the way the code is written points to the general definitions anyway. She disagrees with Ali on the administrative waivers because there are so many issues that pertain to health, safety and welfare and other requirements that are embedded that it would require rewriting the code in its entirety.

- Brigid asks PAB if they want to include the affordable housing definition as suggested. As for administrative waivers, one of the community concerns is certainty and wanting assurances that what is proposed is what is going to be developed.
- Greg says that if we are to accommodate the greatest range of affordable housing needs, a percentage would not work. He also says that the definition in 18.04 was designed for a specific type of project and would not necessarily work in all cases and suggests that the conditions be evaluated/negotiated on a project basis.
- Ross Chapin: Ross says this is a major code that hasn't been tested and will need adjustments. He hopes there is a way to write the code so there is room for the intent of the code to be met.
- Scott Chaplin would like to see specific requirements on affordable housing in the general document and there are always exceptions but sometime the exception becomes the rule and if there is some form of inclusionary rule, it would get respected.
- PAB: how to include language to start the negotiations on affordable housing between developers and the city at an early time in the process.
- Susan H. says that the permitting process requires that the development agreement be in the first stages and the affordable housing component is defined in the development agreement.
- PAB: what group of people is going to negotiate the affordable housing component?
- Susan H.: according to City legal counsel, the only body in this state that is authorized to approve a development agreement is the City Council.
- Brigid: A negotiating committee needs to be established and anticipates PAB would makes suggestions as to the committee make up to Council and Council will have the final say.
- PAB: PAB should add it to the agenda.
- Susan H: Suggested language to 18.26.090 J. 2. Add the following sentence to the end of the subsection: " Waivers not listed in Table 13 may be considered by the PAB."
- Ross: Affordable housing. The way it is written suggest that a specific area is developed as affordable housing and his sense is that affordable housing should fit into the neighborhood and be dispersed.
- Susan H. points to the application process under D, item# 5 where it says "throughout the project..."
- Ross: 18.26.040 A. 6. Table 2. a. 44-27 & b. 44.20 - Trees 40 ft on center. Ross comments on requirement where the illustration doesn't match the code.
- Susan H: proposed edit to take in consideration Ross's comments." street trees are required at ~~a minimum of~~ an average of 40 feet on center.
- Brigid asks Ross to identify that he us on the development team for the Coles Valley development but is also a citizen of the City of Langley.
- Rose: comment posted in chat: "so this proposed code does not define what is an appropriate level of affordability and it doesn't define who will determine what is appropriate in the future. You will have two parties, the City and the Developer that will

define what is appropriate based on profitability. The City will define what is appropriate based on... what? The Comp plan has no specific goals around affordability!"

- PAB: Greg suggests that the time to establish the parameters on affordability requirements might be in the upcoming meetings around affordable housing.
- Susan H. recommends that this process should appear in the recommendation to Council that the affordable housing committee is to establish those parameters.
- Scott Chaplin agrees with Greg and Susan H. and suggest that it might be determined at a later time.
- JR Fulton believes that the work needs to be in the agreement. He also believes that this is a very good code and as Ali mentioned, it might need a little more flexibility.
- Brigid recaps proposed amendments to the Code and recommendation to Council:
 - Add to the final recommendation that the Planning Advisory Board and affordable housing committee will make recommendations to Council about the negotiating committee make up and criteria to define the appropriate level of affordable housing. This will take into account the different size of developments.
 - Administrative waivers: PAB agrees to recommend adding the statement that waivers not listed in Table 13 may be considered by PAB.
 - PAB agrees to include the edit re. street trees
- PAB: Casey 18.26.060 Squares & Green areas. Why road frontage needs to make contact with those areas? Why can they not be isolated within the property as long as ROW access is provided to the public.
- Susan H. responds that Greens and Squares are used for community gatherings and should be at the heart where the streets are part of the access.
- Ross: Private street. Is there flexibility in the design?
- Susan H.: Private streets are regulated by chapter 15.01.495. They are allowed and referenced in 18.26.040 A. 4. on page 3.
- Q&A Linda Kenny: " Greg just alluded to the concern I have spoken about at PAB, which is defining housing needs that are most important to the City" and she is wondering if the public will still have a say in these decisions. PAB confirms that there will still be opportunities.
- Brigid reads through a written submission that came in from Myra Platt and Dave Ellis expressing concern that over densifying will change the character of the city and wonders how to ensure sensible development with this in mind, low-income housing, trees and open spaces remain a priority.
- Brigid reviewed Exhibit A findings of Facts and Conclusions of law for Ordinance No. 1077.
- Brigid adds the proposed amendments that were identified to be included with PAB's recommendation:

Rhonda moves/Casey seconds - that PAB recommend ordinance 1077 and related exhibits be forwarded to Council for 1st reading as follows:

- a committee be formed and be responsible for defining appropriate levels of affordable housing and for defining criteria that would be used in the negotiations with a developer as part of any development agreement and PUD application.
- Amend section 18.26.040. A. 6. Street trees being on an average of 40 feet on center.
- Amend section 18.26.090. J. 2. to add Administrative waivers that are not listed in Table 13 may be submitted to the Planning Advisory Board for its consideration and recommendation.

5. Announcements

March 11, 4pm Public Hearing on the Shoreline Master Program and a Workshop on March 17

April 7, Infill work session with PAB & Council

Both ordinances 1076 & 1077 will be going before Council on March 15, 2021 for first reading.

6. Meeting adjourned at 5:59 pm