

CITY OF LANGLEY
LANGLEY, WASHINGTON
DRAFT ORDINANCE NO. 1077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, RELATED TO PLANNED UNIT DEVELOPMENTS; AMENDING LMC SECTION 18.01.040 TO INCLUDE ADDITIONAL DEFINITIONS; AMENDING LANGLEY MUNICIPAL CODE SECTION 18.09.010 RELATING TO ALLOWED LAND USES; REPEALING AND REPLACING LANGLEY MUNICIPAL CODE CHAPTER 18.26 RELATING TO PLANNED UNIT DEVELOPMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Title 18 of the Langley Municipal Code (“LMC”) is intended to implement the Comprehensive Plan and to promote the public health, safety and welfare of the City of Langley (“City”); and

WHEREAS, LMC Chapter 18.09 contains zoning regulations for allowed land uses within the City; and

WHEREAS, regulations for Planned Unit Developments (“PUD”) were adopted in 1989 by adoption of Ordinance No. 527;

WHEREAS, minor amendments to the PUD regulations adopted in Ordinance No. 527 were adopted by Ordinance Nos. 846 and 957, adopted in in 2004 and 2011, respectively; and

WHEREAS, the City’s PUD regulations only permit single family neighborhoods; and

WHEREAS, the City wishes to encourage more diversity in housing types than are currently allowed under existing land use regulations; and

WHEREAS, the City of Langley wishes to encourage mixed use neighborhoods that also protect open spaces and critical areas; and

WHEREAS, the City’s PUD regulations require a Development Agreement authorized by RCW 36.70B.170 as a condition of PUD approval; and

WHEREAS, the PUD regulations require a Development Agreement to contain provisions to assure permanent affordability for a specific portion of the application area; and

WHEREAS, a Development Agreement provides a developer an assurance that existing regulations in effect and cited to therein will govern and vest the development, use, and mitigation of anticipated new development of the real property, enabling the local government and developer to plan for the development and services, infrastructure, or other facilities related to the development; and

WHEREAS, these amended PUD regulations would apply to parcels that are five acres or greater in size, exclusive of critical areas; and

WHEREAS, the City held public meetings on the amended PUD regulations on February 27, 2020 and September 24, 2020; and

WHEREAS, the Planning Advisory Board (“PAB”) discussed the proposed amendments at its September 2, 2020, November 4, 2020, and January 6, 2021 meetings, and at its November 4, 2020 meeting recommended the amendments be forwarded to the City Council for action. The PAB’s written Findings of Fact and Recommendation (“Recommendation”) are attached hereto as Exhibit A; and

WHEREAS, the City’s State Environmental Policy Act (“SEPA”) Responsible Official issued a Determination of Nonsignificance (“DNS”) on February 17, 2021 following the 14-day comment period, and following review of the proposed code amendments and environmental checklist; and

WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the health, safety, and welfare of the general public; and

WHEREAS, in accordance with RCW 36.70A.106, the City submitted its proposed code amendments to the Department of Commerce on December 29, 2020 for an expedited review, and received confirmation from the Department of Commerce on January 7, 2021, of receipt of the required notice; and

WHEREAS, the proposed code amendments were presented to City Council at its January 19, 2021 meeting and returned to the Planning Advisory Board for a public hearing;

WHEREAS, after due and property notice, the Planning Advisory Board held a public hearing on March 3, 2021 to accept public comments on the Planned Unit Development Code and related amendments. Over XXX people attended the public hearing and provided comments as reflected in the public hearing minutes; and

WHEREAS, on March 3, 2021 the Planning Advisory Board considered the staff report and public comments received prior to issuance of its findings of facts and recommendations to City Council; and

WHEREAS, on March 3, 2021 the Planning Advisory Board issued written Findings of Fact and Recommendation, attached hereto as Exhibit A, wherein the Planning Advisory Board 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 Planning Advisory Board;

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

Section 1. Findings of Fact and Recommendation, Adopted. The City Council adopts the Planning Advisory Board’s Findings of Facts and Recommendation dated March 3, 2021, a copy of which is attached hereto as Exhibit A, as its own Findings and Conclusions in support of these PUD regulations.

Section 2. LMC Section 18.01.040, Amended. Langley Municipal Code Section 18.01.040, “Definitions,” is hereby amended to read as set forth in Exhibit B hereto.

Section 3. LMC Section 18.09.010, Amended. Langley Municipal Code Chapter 18.09.010, “Land Uses,” is hereby amended to read as set forth in Exhibit C hereto.

Section 4. LMC Chapter 18.26, Repealed and Replaced. Langley Municipal Code Chapter 18.26, "Planned Unit Development," is hereby repealed and replaced to read in its entirety as set forth in Exhibit D hereto.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 7. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days from the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANGLEY,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS ____ DAY OF
_____, 2021.**

CITY OF LANGLEY

Tim Callison, Mayor

APPROVED AS TO FORM

ATTEST

Michael R. Kenyon, City Attorney

Monica Felici, City Clerk