

LANGLEY PASSAGE PRELIMINARY PLAT
Final Recommendations of the Planning Advisory Board
August 11, 2010

FINAL RECOMMENDATION – SEPA Appeals

The Planning Advisory approved unanimously a recommendation that the City Council deny the appeals by LCAA and WEAN, thereby affirming the decision by the Langley SEPA Responsible Official to not require an EIS for the proposed Langley Passage subdivision based on the Findings of Fact and Conclusions of Law (adding the words “with four additions to the mitigating measures” at the end of Conclusion No. 5) contained in the Staff Brief dated May 28, 2010, with additions to the Mitigation Measures as specified below:

Mitigation Measure No. 2: Applicant shall monitor flow and overall performance of the surface drainage system along the south side of Edgecliff Road from the plat boundary up to and including the outfall to the beach for a period of three years from the date *final plat approval*, and for a period of two years from date of 50% buildout occupancy, and for a period of two years from the date of 75% buildout occupancy.

Mitigation Measure addition: City and Applicant will jointly further explore feasibility of securing an alternate route for the water line “loop” installation, and report findings before waterline construction begins. Final feasibility will be determined by the Department of Public Works.

Mitigation Measure No. 11: Change “Applicant shall augment the site landscaping plans to demonstrate tree planting that will achieve 35% canopy cover at maturity.” The rest of text remains unchanged.

Mitigation Measure No. 12: Applicant shall strive to retain all trees on the site with a DBH of more than six inches as indicated on the Tree Clearing Plan. In the event that such a tree must be removed, applicant shall plant three 3-inch caliper native trees *and four 4-foot – 6-foot tall native shrubs* for each tree removed.

FINAL RECOMMENDATION – Langley Passage Preliminary Plat

The Planning Advisory Board approved by a 2-1 vote (Gage, Buktenica – aye, Sundberg – nay) a recommendation that the City Council deny without prejudice the proposed Langley Passage Preliminary Plat.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Planning Advisory Board approved by a 2-1 vote (Gage, Buktenica – aye, Sundberg – nay) the following findings of fact and conclusions of law to support its recommendation to the City Council.

FINDINGS OF FACT

1. On April 19, 2006, Whidbey Neighborhood Partners submitted an application for Langley Passage, a proposed 20-lot subdivision on 8.52 acres located between Sandy Point Road and Edgecliff Drive approximately 2,000 feet east of Camano Avenue.
2. The site proposed for Langley Passage is located within the Residential-Medium designation in the Comprehensive Plan and the RS-7200 Zoning District in Title 18 of the Langley Municipal Code. The proposed use for the 20 lots within Langley Passage is single family residential.
3. There is a wetland on the northernmost portion of the Langley Passage site that has been delineated and determined through analysis to be classified as a Category III wetland, which requires a 110-foot buffer to protect functions and values. Part of the proposal includes a waterline intertie along the western edge of the wetland, for which mitigation will be required in accordance with the City's Critical Areas Ordinance.
4. The City of Langley issued a Notice of Complete Application on January 30, 2007 and a Notice of Application with a 14-day comment period to neighboring property owners on February 14, 2007. The City received 34 comments.
5. Studies have been required and submitted covering the following potential issues: (1) a wetland delineation and mitigation plan by Cantrell & Associates (peer reviewed by Steward & Associates); (2) a Geotechnical Report by HWA Geosciences; (3) a Drainage Plan by Davido Consulting Group (last version submitted November 2009); (4) a traffic study by Traffic Engineering Northwest; (5) a hydrogeological study by HWA Geosciences (the Langley Critical Areas Alliance commissioned a second hydrogeological study by Aspect Consulting – both studies were peer reviewed by SCS Engineers); and (6) a soil boring report by HWA Geosciences (peer reviewed by Mark Varljen, LG).
6. The Langley SEPA Responsible Official first issued a Mitigated Determination of Nonsignificance on December 8, 2007 with a 14-day comment period. The City received 39 comments and withdrew the MDNS on December 22, 2007 pending delivery of a hydrogeologic evaluation.
7. The Langley SEPA Responsible Official issued a new Mitigated Determination of Nonsignificance on March 18, 2009 with a 14-day comment period. The City received 12 comments and, based on these comments, issued a final revised Mitigated Determination of Nonsignificance on May 13, 2009 with a 14-day appeal period that concluded on May 27, 2009. The City received two timely appeals of the MDNS.
8. City staff reviewed all factual information contained in the record with respect to the proposed Langley Passage preliminary plat to determine if the application is consistent with the Langley Comprehensive Plan and Development Regulations (in particular Section 16.20.050 through 16.20.085 – Critical Areas (Wetlands), Chapter 17.04 – Long Plats and Chapter 18.07 – RS 7200 Zone Residential Single Family).

9. City staff reviewed the required findings and conclusions, listed at LMC 18.36.040(B), all of which must be met before the Planning Advisory Board can recommend approval of a proposed development or other proposal. City staff also reviewed the decision criteria for preliminary plats listed at LMC 17.04.090 to determine if each of these criteria can be met with respect to the proposed Langley Passage preliminary plat.
10. In accordance with LMC 18.36.030, staff prepared a report for the Planning Advisory Board evaluating the proposal's consistency with the City's plans, policies and regulations, summarizing the recommendation of City staff and including staff findings and conclusions.
11. After due and proper notice, the Planning Advisory Board convened a combined open record public hearing for Langley Passage and the two SEPA appeals on March 24, 2010 for the expressed purpose of accepting staff, applicant and public testimony on these matters. The public hearing was continued over the course of eight additional hearing days with the record being formally closed on August 4, 2010.
12. More specific requirements concerning the drainage ditch on the south side of Edgecliff Drive.
13. Continuing exploration of alternatives to the waterline crossing the wetland and concern about adequacy of restoration of wetland.
14. The number of received public communications indicating opposition to the project.
15. Not in the public economic interest to provide more housing at this time.

CONCLUSIONS OF LAW

1. The proposed Langley Passage Preliminary Plat is not consistent with the Langley Comprehensive Plan and although meeting applicable Development Regulations.
2. The proposed Langley Passage Preliminary Plat fails to meet all of the required findings for proposed developments in Langley listed at LMC 18.36.040(B).
3. The proposed Langley Passage Preliminary Plat fails to meet all of the decision criteria for preliminary plats listed at LMC 17.04.090 and is not consistent with the State subdivision regulations at Chapter 58.17 RCW.