MINUTES
CITY OF LANGLEY
PLANNING ADVISORY BOARD
March 24, 2010

Jim Sundberg opened the meeting at 4:09 pm.

ATTENDANCE

Members Present:	Julie Buktenica, Roger Gage, Jim Sundberg and Melanie Shafaat
Members Absent:	Fred Geisler and G. Raymond McCullough (alternate)
Staff Present:	Larry Cort, Director of Community Planning, Ryan Goodman, City Engineer, Challis Stringer, Director of Public Works, Craig Knudson, City Attorney, Fred Evander, Community Planner

MINUTES

The Board reviewed the minutes of the March 3rd and March 10th Planning Advisory Board meetings. Roger Gage moved to approve the minutes of the March 3rd meeting. Melanie Shafaat seconded. The motion was approved unanimously. Melanie Shafaat moved to approve the minutes of the March 10th meeting. Roger Gage seconded. The minutes were approved unanimously.

PROJECT UPDATE

Larry Cort said that he did not have anything to report as part of the project update.

PUBLIC HEARING –LANGLEY PASSAGE PRELIMINARY PLAT

Chair Jim Sundberg said that this public hearing would be the first of two planned hearings and stated that this hearing would focus on the subdivision application itself. Sundberg said that the next portion of the public hearing would feature the two SEPA appeals with testimony from only the appellants, applicants and City staff.

Sundberg opened the public hearing on the Langley Passage Preliminary Plat at 4:16 pm. He noted for the record that PAB member Fred Geisler had recused himself from considering this application. Sundberg asked members of the board if they had any conflict of interest or ex parte communication regarding the matter. Sundberg said that he had three or four phone calls about the hearing process itself (including how long he would allow for public comment), and said that he had not been part of substantive conversations regarding the application. Sundberg said that he felt he could fairly judge the application. No other Planning Advisory Board members said that they had ex parte communication or a conflict of interest in the matter

Sundberg explained the public hearing process and said that the Planning Advisory Board would make a recommendation based on the information in the record. Sundberg said that the Staff Report had included 108 communications that were part of the public record

Sundberg explained the presentation order for the hearing. Sundberg said that City staff would present the Staff Report including an overview of all the material in the public record; the applicant would provide information about the proposal; the public could comment; City staff would have time for closing remarks and evidence; and then the applicant would have time for closing remarks. Jim said that the Planning Advisory Board could ask questions of the speakers.

Jim swore in the speakers for the evening.

Larry Cort, Langley Director of Community Planning, presented the Staff Report for the application and provided an overview of the proposal. Cort referred to an aerial of the site (Exhibit P-1) and the proposed site plan (Exhibit P-2) and explained that the proposal sought to subdivide 8.52 acres in 20 lots. Cort explained that this proposed subdivision would be served by a private street that connected with Sandy Point Road, and the subdivision would feature a sewer system that would connect into the existing sewer system near Woodside Lane. Cort explained that the project would have a looped water line and that low-impact development stormwater techniques were proposed. Cort said that the site contained a Category III wetland and said that this type of wetland required a 110 foot buffer. Cort said that the looped water line would cross the western edge of the wetland in two locations and explained that the impact of the water line was mitigated as specified in the City's Critical Areas Ordinance.

Cort said that the responsibility of the staff was to determine if the proposal met all the applicable codes in place at the time of the vesting of the application. Cort said that the application was vested on January 30, 2007 and explained that this vesting date determined the codes, regulations, policies and Comprehensive Plan that were applicable to the proposal. Cort explained that this hearing was meant to determine consistency with these plans and policies and he said that consideration of a number of findings were required prior to a recommendation by the Board. Cort referred to the findings necessary for this application in LMC 18.36 and 17.04, and pointed out staff's analysis on these findings in reference to the application on pages 15 to 19 of the Staff Report.

Cort explained some of the contextual issues related to the application. Cort displayed a 1950 air photo of the site (Exhibit P-3) and explained that much of the Edgecliff area had been logged prior to that point. Cort said that, in the air photo, the north portion of the site (the wetland), was being used as pasture and the southern portion was forested. Cort said that the forest had since been cut and explained that the predominant vegetation on the site currently consisted of blackberries and other invasive species, although some native vegetation occurred in spots and the southernmost portion of the site contained a number of healthy trees.

Cort referred to the site plan (Exhibit P-2) and explained the topography of the site. Cort said that the project reached an elevation of 150 feet at Sandy Point and explained that the slope moved steadily down as one moved north on the site to an elevation of 100 feet at Edgecliff Drive. Cort said there was a topographic draw on the east portion of the site.

Cort explained the future land use and zoning designations applicable to the site. Cort referred to the future land use map (Exhibit P-4) and zoning map (Exhibit P-5) in effect at the time of the application. Cort said that the future land use designation for the site is Residential Medium in the Comprehensive Plan, which is defined as 4 to 7 units per acre, and he explained that the zoning of the site is RS-7200 WS, which linked the provision of sewers with increased allowed density. Cort said that the proposal is consistent with the Residential Medium Future Land Use Designation and the RS-7200 WS Zone, because a sewer is proposed for the site. Cort also said that the project meets all lot standards for the zone.

Cort explained the development history of the site. Cort said that the site had no known development activity, but said that this did not mean that nothing had happened on the site. Cort said that the site has been logged and cleared several times, there is a defined access drive from Sandy Point Road, and a historic home was moved north to south across the lot in 2003. Cort referred to the 2008 aerial photo of the site (Exhibit P-1) and noted the drag path from the home move.

Cort explained the wetland on the site and said that disturbance to the wetland and buffer system would only occur as a result of the proposed looped waterline along the western edge. Cort said that mitigation was proposed for this disturbance and he explained that the mitigation proposed was consistent with the standards within the Langley Municipal Code Critical Areas Ordinance. Cort said that City Engineer Ryan Goodman would describe the necessity of making the looped connection and the code requirements for justifying such a disturbance.

Cort said that the project retained 48 percent of the site as open space and said that this was consistent with the Level of Service of 25 percent open space articulated within the Comprehensive Plan.

Ryan Goodman, City Engineer, 919 Third Street, explained the traffic circulation for the project. Goodman said that the only access to the project would be off Sandy Point Road and said that the road would culminate in a hammerhead. Goodman said that a Traffic Impact Analysis had been conducted on the project and explained that the review confirmed that the project met City's Level of Service Standards. Goodman also said that the review recommended moving the access drive west a few feet at Sandy Point to increase site distance and he said that this change had been incorporated into the design. Goodman said that the project originally included a trail to Edgecliff Drive, but said that this had been deleted from the latest project design due to the wetland.

Goodman referred to the Langley Passage Preliminary Plat Water System Plan (Exhibit P-6) and explained the water system for the project. Goodman explained that a water line was available at the frontage of the property at Edgecliff, but that the water line would be extended for approximately 400 feet along Sandy Point Road. Goodman referred to a map entitled "Water Loop: Affected Properties" (Exhibit P-7) and explained that the project would provide an opportunity to loop the water system, which would provide better water and more reliable water service for a number of properties in the area. Having an intertie between Sandy Point Road and Edgecliff Drive is consistent with the City's Comprehensive Water Plan.

Goodman explained that the proposed looped water line passed through the wetland and said that no disturbance would be allowed to the wetland unless the project met three criteria: 1) No other feasible or reasonable alternative is available with less impact; 2) The design minimizes impact to the critical area and incorporates mitigation; and 3) Construction minimizes impact on the wetland and incorporates measures to mitigate the impact. Goodman said that the project met each of these requirements. Goodman explained that there was no other reasonable alternative with less impact because there were no undeveloped through properties that linked Edgecliff to Sandy Point further east of the site, and because looping the waterline west of the site was not possible due to the developed nature of the area. Goodman said that the design of the water line was meant to minimize impact to the wetland, the water line had been moved west into the buffer except for approximately 60 feet when the location would be in the wetland, and the impact was proposed to be mitigated in accordance with the mitigation report prepared by the applicant. Goodman lastly explained that the proposal met the third criteria (minimization and mitigation of the impact of construction) through the inclusion of items such as trench dams to ensure that water from the wetland did not follow the water line.

Goodman referred to the Langley Passage Preliminary Plat Sanitary Sewer System Plan (Exhibit P-8) and explained the sewer system for the site. Goodman said that the proposed system is a low pressure system that met City of Langley standards. Goodman said that this system would tie in to the lift station at Woodside Lane.

Goodman referred to the Langley Passage Preliminary Plat Stormwater Plan (Exhibit P-9) and said that the project met City standards for stormwater. Goodman explained the proposed stormwater methods applied to the site. Goodman said that the Langley Municipal Code sought the handling of stormwater on a project site, if feasible, and said that after review of the soils, the site had demonstrated the ability to handle the water. Goodman said that the proposed street would be split into five different sections with each section draining to a raingarden in the center of the roadways. Goodman said that the northernmost portion of the site would maintain an overland flow to the wetland to mimic the existing surface flow and explained that each house would have a raingarden to handle the water from the roofs and driveways.

Goodman explained that the raingardens in the street would handle all of the runoff from the roadways and infiltration chambers would be used to provide additional stormwater storage capacity. Goodman said that the infiltration chambers would be sized to handle 50 percent additional volume of the raingardens. Jim Sundberg questioned if the raingardens would all be planted by the developers. Mr. Goodman replied in the affirmative. Goodman explained that the studies included as attachments to the Staff Report supported this information. Melanie Shafaat questioned if the applicants had provided the studies. Goodman said yes. Goodman said that the studies had also led to conditions associated with the retention of the tree canopy to preserve much of the evapotranspiration on the site and the limitation of impervious surface on each lot to 2500 square feet.

Larry Cort, Director of Community Planning, reviewed the final sections of the Staff Report. Cort explained that in order for the Board to recommend approval the project needed to meet the required findings listed on pages 15 to 19 of the Staff Report. Cort said that staff recommended approval of the project with 35 conditions (which

begin on page 22) that include conditions such as the long-term protection of the wetland, the incorporation of low-impact development stormwater techniques, the activities of homeowners, post-development infiltration, the retention of 30 percent of the tree canopy, the limitation on impervious surfaces, and a requirement to monitor the drainage ditch.

Jim Sundberg asked Goodman to expand on the provision of water or water usage and sewer. Goodman said that the average water consumption in Langley is 160 gallons daily per residence or 58,000 gallons annually per residence. Sundberg asked how much of that water would be captured if sewer were provided to a site. Goodman said that almost all of it would be captured in the sewer system, with minor exceptions such as outdoor watering or car washing. Sundberg asked if existing houses on Edgecliff discharged their water usage into the ground through septic fields. Goodman said that the existing sewer line stopped at the Noble Cliff subdivision on Edgecliff and that all of the other houses on the street were on septic. Sundberg questioned if all 20 units proposed as part of this application would be on sewer. Goodman said yes, all of the units would be on the sewer.

Roger Gage asked if the sewer system could handle the increased demand. Goodman replied that the grinder pump and wet well system would be able to handle additional sewage from the development.

Attorney Doug Kelly, Clinton, opened the presentation for the applicant. Kelly introduced Quin Clements of Davido Engineering, Arne Sugar of HWA Geosciences and Gary Roth, Whidbey Neighborhood Partners. Kelly said that the major question associated with the project was if the project occurring in the zone that it is supposed to be. Kelly said that the zoning for the site was established in 1995 and was reviewed and continued in 2003 and 2006.

Kelly said that the site would retain a 30 percent tree cover, would remove no conifers, and would plant additional trees for any tree that was removed. Kelly also said that the site would preserve over 40 percent of the area in open space or almost double the Comprehensive Plan requirement of 25 percent open space. Kelly said that Decker and Furman roads featured 18 units in a similar sized area, and said that this project would only incorporate two more homes than that total.

Kelly said that the project had evolved over time in response to a number of studies requested by the City and he explained that the project pivoted on two main issues: the impact on the wetland; and surface and groundwater issues. Kelly explained that the wetland had been delineated through a peer reviewer chosen by the City and he said that the only disturbance to the wetland would be the looped water line, which would occur at the request of the City. Kelly said that there were a number of studies done to look at surface and groundwater in the area and he explained that the findings of these studies had contributed to a number of the conditions that the City had applied to the site. Kelly said that the applicant had agreed to meet each of the conditions proposed by the City including monitoring of the drainage ditch, the creation of raingardens, and the limitation on impervious surfaces. Melanie Shafaat asked how long the monitoring would last. Kelly said that he wasn't sure, but said that he thought five years. Kelley said that he thought the development offered public benefit; was consistent with the Comprehensive Plan and Zoning Code; helped to implement the City's Comprehensive Water Plan; and protected the wetland on the site. Buktenica asked when the monitoring would begin. Larry Cort read the first sentence of SEPA Condition 6 in the Staff Report to explain that the monitoring would occur for three years following 75 percent buildout of the site.

Quin Clements, Davido Engineering, explained the existing site conditions and displayed the evolution of the project using a PowerPoint presentation (Exhibit P-10). Clements said four different submittals had been provided to the City and he reviewed these submittals one by one. Clements said that the first submittal featured a different roadway access point than the current proposal, had a utility corridor and pedestrian path through the wetland, and had roadway runoff swales that connected to a tightline or catch basin and pipe system that would discharge into the drainage system on Edgecliff. Clements explained that prior to this design, the applicant had analyzed the 426 acres of the basin that discharged to the outfall connected to the Edgecliff drainage system and had found that the system did have capacity for the water. Clements explained that the City had some concern about the capacity of the drainage system south of Edgecliff based on this proposal and also questioned crossing

the wetland with the drainage pipe. Clements explained that the City had requested that the applicant reconsider development alternatives that did not bring the pipe across the wetland.

Clements said that the largest change to the second submittal had to do with a change to the handling of stormwater. Clements explained that the proposal continued the drainage in bioswales, but said that the bioswales flowed into a detention tank that dispersed the water into the wetland through a control structure. Clements explained that, after this second submittal, the City encouraged the applicant to consider on-site infiltration and the use of Low-Impact Development per City standards.

Clements said that a Geotechnical Engineer was brought on board after the second submittal and a number of soil borings were done to determine the appropriateness of low-impact development on the site. Clements explained that ten soil logs were done and a basin analysis was completed that demonstrated that Low-Impact Development could be used for the area. Clements said that this information contributed to the third submittal, which featured bioswales that collected in subsurface infiltration systems. Clements also explained that this third submittal removed the sewer system from the wetland, because it could be connected to the system on Sandy Point Road.

Clements explained that the Langley Critical Areas Alliance had commissioned a report from Aspect Consulting after this submittal and he said that this report included four recommendations for the site: reduce impervious surfaces, use Low-Impact Development techniques, preserve forested portions, and collect and convey stormwater in a tight line to the Sound. Using the PowerPoint presentation, Clements explained how the applicant had incorporated each of these suggestions, except for the tightline, into the fourth design of the site. Clements said that the applicant had conducted a survey of the significant trees on the site and determined there were 58 such trees. Clements said that eight of these trees would be taken down as a result of the project, but that three trees would be planted for every one of these trees that was removed. Clements also explained that the site design included low-impact development, and would limit impervious surfaces on the site. Clements lastly said that the tightline to Puget Sound was not proposed, because of the City of Langley's original negative reaction to this option.

Clements further explained the fourth and final proposal for the site. Clements said that the layout was still the same and the water line was pushed to the west property line to avoid unnecessary impact to the wetland. Clements said that the proposed project would feature raingardens instead of bioswales in the roadway with overflow infiltration systems below. Clements also said that each house would have its own raingarden except for lots 9 through 12. Clements explained that, if there was too much water in the roadway raingardens, the water would flow into a subsurface drainage cell. Jim Sundberg asked if there was a reliable estimate for evaporation and infiltration rates for the raingardens. Clements said that the raingardens were primarily an infiltration system and that evapotranspiration rates were not known. Sundberg asked if the maintenance of tree cover on the site was what sought to achieve evapotranspiration. Clements said yes. Sundberg asked whether the site would be able to handle the impervious surfaces. Clements said that the project had been designed for a .25 inch per hour infiltration rate. Roger Gage asked what was preventing the water from lots 8 and 13 from going directly into the wetland. Clements said that he did not know. Arne Sugar of HWA Geosciences responded to Gage's question. Sugar said that the goal of low-impact development was to maintain pre-existing hydrology or water balance on a site. Sugar said that there would be little change in evapotranspiration on the site because of the retention of trees and he explained that all water hitting the site that was not taken up by plant material currently went into the ground or over the surface into the wetland. Sugar said that the project design would continue sending this water into the ground or over the surface to the wetland at pre-development rates.

Sundberg opened the meeting to public comment. City Attorney Craig Knutson asked for all speakers not previously sworn in to be sworn in. Jim Sundberg swore in the speakers that had not previously been sworn in.

Bruce Kortebein, 724 Edgecliff Drive, presented a PowerPoint presentation (Exhibit P-11) on behalf of the Langley Critical Areas Alliance. Kortebein said that he thought that the project was not consistent with the Comprehensive Plan; did not meet the requirements of the Langley Municipal Code; did not make adequate provisions for City services; was not beneficial to public health; safety and welfare; and was not in the public interest. Kortebein said that the site had ample trees and vegetation and said that the plot plan would remove

trees and add plots. Kortebein said that the neighborhood looked like a cookie cutter development and said that the design was unimaginative. Kortebein said that the development should not look like Decker and Furman and said that the development was about now.

Kortebein said that proposal was inconsistent with the Comprehensive Plan and identified six areas where he felt the proposal was inconsistent: wetlands delineation; drainage and bluff stability; sanitary waste; character of the neighborhood; the cost to the City and private parties; and the failure to perform proper mitigation sequencing. Of these six issues, Kortebein focused on areas of deficiency in two areas: stormwater and hydrology; and infrastructure deficiency.

Kortebein said that he was not confident in the ability of the site to limit post-development runoff to pre-development volume and rate. Kortebein presented a LIDAR map of the drainage basin and said that the basin bottle necked at the project site. Julie Buktenica asked where Kortebein got the LIDAR map. Kortebein said that he had received the map from Matt Nash at Island County. Kortebein continued and said that groundwater migrated through the face of the bluff and said that he was concerned about the effect of additional impervious surface on groundwater migration. Kortebein said that the developer considered the project as a distinct site and was not considering the up and downstream impacts.

Kortebein distributed the publication Surface Water and Groundwater on Coastal Bluffs: A Guide for Puget Sound Property Owners (Exhibit P-12) to the Planning Advisory Board. Kortebein said that a diagram in the publication represented what was occurring on the bluff, and he pointed out how the stratification of the soil layers affected where water would discharge from the bluff. Kortebein explained that additional infiltration would increase the subsurface water flow that would discharge from the bluff face. Kortebein said that a more appropriate alternative, a tightline to the Sound, proved cost prohibitive to the developer. Kortebein referred to a conceptual diagram from the Aspect Consulting report which displayed the soil stratification and the migration of water through the site. Kortebein said Aspect said that infiltration was generally the best method, but that, in this instance, stormwater should also be conveyed from the site in a tightlined system. Kortebein said that he did not want infiltration, because the water would infiltrate, hit a clay layer and daylight into the wetland. Kortebein said that, once the water passed into the wetland, it would not move anywhere but under the road and progress to the bluff. Kortebein said that the existing drainage ditch would do nothing with these subsurface flows.

Kortebein continued by saying that the sanitary waste system proposed for the project was insufficient. Kortebein said that the sewer did not meet Title 13 of the Langley Municipal Code and said that there was no record of City Engineer approval. Kortebein said that the project was upzoned because of sewers and the upzoning was allowed even though the system did not meet the City's requirements. Julie Buktenica questioned where Kortebein had gotten the "Schematic of Typical Lateral Connection". Rolf Seitle, 410 Edgecliff Drive, said that the schematic had come from the manufacturer's literature for the proposed system.

Jim Sundberg noted that the layers shown in the Aspect Consulting diagram of the soil layers represented a conceptual diagram of subsurface and not the exact subsurface conditions.

Robin Adams, 752 Furman Avenue, presented a PowerPoint presentation (Exhibit P-13) that expressed his concern over the state of the Edgecliff bluff. Adams said that, beyond erosion at the toe of slopes, water running over the top and water coming out of the face of the bluff were major causes of erosion. Adams said that there were three ways that water moved through a site: evapotranspiration; infiltration; and surface water, and he explained that development increased the impervious surfaces and associated surface water. Adams progressed through a number of slides showing some calculations that he had created for the impact that he saw resulting from the proposed development. Adams said that there would be less evapotranspiration that would occur from the developed site and as a result there would be an increase of over 7 million gallons per year of water that would have to find its way into surface water runoff or subsurface infiltration. Adams said that he felt that infiltration was the wrong technical solution to the site, and quoted three reports, to support his position. Adams presented a flow chart that displayed where the extra water may end up and said that the City's proposed monitoring for the project, based on this chart was insufficient. Adams said that the monitoring program would not establish a baseline for the monitoring; would not consider the full impact of the proposal; did not say what would happen if there was a problem; and was not an adequate amount for fixing what may be a problem.

Adams said there were other alternatives that would work for the developer, including clustering the subdivision to allow the planting of additional trees. Adams encouraged the Board to reject the proposal based on these items.

Carl Magnusson, 625 Edgecliff Drive, submitted a letter to the Board (Exhibit P-14) and read it into the record. Magnusson raised a number of concerns about the project including the inappropriateness of infiltration for the site, and the state of the Edgecliff drainage system. Magnusson said that the City did not have a plan for the area, and said that lack of action by the City exposed Langley to great harm.

At 7:05 pm, the Board elected to close further testimony and discussed setting aside the next hearing date for additional testimony on the plat itself, then reserving a third date to hear the SEPA appeals. Community Planning Director Cort encouraged the Board to continue the hearing to a date and time certain, but said that he did not know about the availability of the Langley United Methodist Fellowship Hall. City Attorney Craig Knutson questioned how long the SEPA appellants would need to present their case. The appellants said that several hours would be required. The Board unanimously approved a motion to continue the public hearing on Langley Passage to 6:30 pm on April 14, 2010 at City Hall. City staff will provide notice of a change of location when a different venue is found.

ADJOURN

Jim Sundberg moved to adjourn the meeting, Roger Gage second. The motion passed unanimously the meeting was adjourned at 7:13 pm.

The meeting was held at the Langley United Methodist Church Fellowship Hall. The next regular meeting of the Planning Advisory Board will occur at 6:30 pm on April 14th, 2010 at Langley City Hall or another determined location. Fred Evander recorded the minutes for the meeting.