

**MINUTES
CITY OF LANGLEY
PLANNING ADVISORY BOARD
August 11, 2010**

Jim Sundberg called the meeting to order at 8:03.

ATTENDANCE

Members Present: Julie Buktenica, Roger Gage, Jim Sundberg

Members Absent: Fred Geisler

Staff Present: Ryan Goodman, City Engineer, Larry Cort, Director of Community Planning, Challis Stringer, Director of Public Works, Fred Evander, Community Planner

DISCUSSION – LANGLEY PASSAGE PRELIMINARY PLAT

Sundberg said that there were two things for the Board to do at the meeting: write a consideration of the SEPA Appeal and write a consideration for the preliminary plat. Sundberg said that he had written (and distributed) a version of the findings of fact and alterations for the SEPA Appeal (Exhibit A-5, see attached document) and noted that Cort had produced a version of his earlier findings for the Board to use as a template (Exhibit A-6).

The Board discussed the document that Sundberg had prepared. Sundberg noted the item marked “Mitigation Measure addition” about the consideration of an alternative route for the water line and questioned if it was satisfactory. The Board said yes, and Buktenica said that she hoped that owners near the property associated with the Langley Critical Areas Alliance (LCAA) would help find an alternative location for the water line.

Sundberg moved to recommend 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 contained in the Staff Brief dated May 28, 2010 with additions to the Mitigation Measures as specified on the sheet entitled Conclusions of Law PAB meeting of 11 August 2010, with the following changes: the change of the number 3 to 2 under the conclusions of law; the addition of the word “of” between the words “date final;” and the change of the word “error” to “err”. Gage asked about the purpose of the motion. Cort said that there was no motion and no second to approve the measure at the previous meeting. Buktenica seconded. The motion was approved unanimously.

The Board moved into the consideration of the plat. Cort read 18.36.040.C and the considerations that the Board needed to make about the plat. Cort said that there was a summary of the testimony in the minutes, but said that the Board still needed to write findings and conclusions for the plat. Cort handed out a four page document entitled “Legal Basis for Considering this Application” (Exhibit P-39) and explained the document. Cort said that the required findings for all developments were listed as numbers one through five on the first page and the decision criteria for subdivisions were listed as numbers one through seven on the first and second pages. Cort explained further that a sample version of the findings was included on pages two and three and a pro forma for the required conclusions of law was included on pages three and four.

Cort told the Board that they had one of the four options for their decision (approval, approval with conditions, denial, or denial without prejudice) and he encouraged them to specify their decision and then move onto their findings and conclusions.

Sundberg moved that the Board approve the Langley Passage Preliminary Plat with the same conditions spelled out in the denial of the SEPA Appeal. The motion failed.

Buktenica said that the Staff Findings of Fact and the development itself were consistent with the Langley Municipal Code, but were not consistent with a standard in the Comprehensive Plan that sought to protect the social, economic and cultural characteristics of residential and commercial uses. Buktenica added that when she looked at the public interest and the economic stability of the town, she did not know if the application was in the public interest. Buktenica said that she thought staff was thorough in looking at the issues pertaining to the wetland and runoff, and said that her concern was not about the use itself, but rather about the timing of the proposal.

Buktenica asked if the portion of 18.36.040 that stated that PAB must recommend one of the following meant that the Board needed to have a majority. Cort said that a firm recommendation of the Board was the way that staff understood the section.

Roger Gage said that his recommendation of denial without prejudice had to do with the drainage and the number of people that had written letters against the development.

Buktenica moved to deny without prejudice the proposed preliminary plat approval for the concerns over the drainage, the number of people objecting to the plat, and the economic situation of the housing market currently. Gage seconded. Buktenica and Gage voted to approve the motion. Sundberg voted against the motion.

The Board considered the reasons for the denial without prejudice and established the following four findings of fact:

1. More specific requirements concerning the drainage ditch on the south side of Edgecliff Drive.
2. Continuing exploration of alternatives to the waterline crossing the wetland and concern about adequacy of restoration of wetland.
3. The number of received public communications indicating opposition to the project.
4. Not in the public economic interest to provide more housing at this time.

Cort asked how the findings of fact would be numbered. The Board said that the findings would be numbered as 12, 13, 14 and 15.

The Board considered the Conclusions of Law and determined that:

1. The development is not consistent with Langley Comprehensive Plan 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.

Sundberg called for a motion to support the findings and conclusions discussed. Gage moved to approve the findings and conclusions as written. Buktenica seconded. The motion was approved two to one. Sundberg voted against the motion.

Sundberg reiterated that the adversarial approach was the wrong way to deal with the consideration of land use applications and he said that he hoped the Council could reach a more mutually agreeable approach.

Gage asked Cort when he thought the proposal would move to the City Council. Cort said that a Planning Advisory Board recommendation could be appealed to the City Council and that a written notice of appeal must be filed within 10 days of the date of the decision. Cort said that he would send out appeal procedures to

interested parties. Adams questioned if the decision on the SEPA Appeal was also appealable. Cort said that he would look into the issue.

ADJOURN

Gage moved to adjourn the meeting. Buktenica seconded. The motion was approved unanimously. The meeting adjourned at 9:00.

The meeting was held at Langley City Hall. The next regular meeting of the Planning Advisory Board is scheduled for August 25, 2010. Fred Evander recorded the minutes for the meeting.

CONCLUSIONS OF LAW

PAB Meeting of 11 August 2010

1. as is in Langley Passage SEPA Appeal, Staff Brief dated May 28, 2010, page 12
2. as is
3. as is
4. as is
5. Accordingly, and recognizing the weight that is to be accorded to the decision of the SEPA Responsible Official, the Planning Advisory Board concludes that said official did not error in making this decision and that the decision should be affirmed *with four additions to the mitigating measures.*

RECOMMENDATION

Motion to recommend 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 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.