

PAB Summary of Waterfront Review

1. On September 12, 2007, the Planning Advisory Board (PAB) was tasked with the following projects, as requested by City Council, and presented by then City Planner Larry Cort:

- Review the existing status of Seawall Park and the regulations that govern development on properties abutting the park. Recommend, as appropriate, any changes needed to setbacks, massing character and scale requirements that should be applied to future development applications adjacent to the park.
- Review the existing rules that govern development of properties at the base of the bluff below Cascade Avenue. Recommend, as appropriate any changes to building height standards, massing character and scale requirements that should be applied to future development applications in this area.
- Complete the analysis and recommendations within 90 days (source Staff Report from L. Cort dated September 7, 2007).

2. The PAB began the study with a focus on Seawall Park. The PAB found that there was a clearly identifiable problem to address, dealing with the existing setbacks, and identified uncertainty about the property lines and the land titles in the park. The PAB felt that Seawall Park is a valuable public asset and recommended adoption of an interim zoning ordinance establishing a 60' setback from the seawall to buy some time so that title searches, etc., could be carried out. Staff subsequently determined that an interim zoning ordinance could not be applied because the affected properties fall within the jurisdiction of the Shoreline Master Program and an interim zoning ordinance could be contested under the recent *Biggers vs. Bainbridge Island* Court decision; however, efforts to obtain title information continue, and the PAB expects to receive the last of the reports by mid-December.

3. After the focus on Seawall Park, the PAB turned its attention to Wharf Street and the marina area. During this phase of the study, the PAB learned that the City's Critical Areas Ordinance included a 50' buffer at the top and toe of the bluff and that the requirement was problematic for various stakeholders, for various reasons, in how the buffer prohibits or limits potential development within the marina. During this phase, the PAB:

- received letters from Wharf Street/Marina property owners expressing hardships they face under current zoning and requests for a expeditious resolution to be made;
- heard presentations from Ed Field, representing the Port of South Whidbey;
- Mayor Colburn, regarding the 50' buffer issue;
- developers Josephson-Day, presenting their proposed development along the bluff;
- and Harrison Goodall, offering draft drawings to help PAB understand matters pertaining to the potential form and scale of development along the bluff;

- heard public comment running the gamut from no further development should be allowed along the bluff, to calls for a balanced outcome;

These presentations culminated in a PAB meeting on November 28, 2007 where the PAB attempted to consider and discuss what we had learned to date.

Based upon a review of relevant documents and the information presented, as well as public comments, there are several alternatives that warrant further consideration for development along Wharf Street and the vicinity of the bluffs near the marina.

The PAB believes that the ultimate goal of these alternatives should be to balance between *environmental protection*, *private property rights*, *scale*, and *economic development* in the marina area.

Given the scope of work before the PAB this year, it's perhaps prudent for the remainder of work that needs to be done regarding the Waterfront issue be returned to the purview of City Council. Council could hold a Town Hall meeting to gather community input about matters of scope and scale of waterfront development prior to making any final decisions.

Therefore, based on the PAB's review of this issue, we believe that the City Council can explore alternatives to the Langley Municipal Code, a document over which the City Council has direct control. The PAB has noted that:

- Council has the option to make no changes and leave all relevant code language in place;
- Council could adopt a code amendment to add a reasonable use section to the Critical Areas Ordinance;
- Council could approve an exemption from the Critical Areas Ordinance for bluff properties, subject to limits on height or building size or both, or;
- Council could extend the blanket exemption for the First Street bluff to the Cascade bluff.

Finally, the PAB acknowledges the suggestions of some individuals that changes should be made to the Langley Comprehensive Plan and the Shoreline Master Program.

We agree that these actions warrant consideration; however, both of these options would require considerable time and study to address the impacts of these changes. Nevertheless, we acknowledge that City Council may choose to act on these longer term solutions rather than, or in addition to, focusing on the aforementioned short-term code amendments.

The PAB looks forward to answering any questions that City Council may have about this summary, the recommendations within, and whether or not the PAB is needed to look into this any further.