

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 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 *scale, private property rights, economic development, and environmental protection* 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 the 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.

The PAB has explored the following options in regards to regulations in the marina area

- Make no changes and leave all relevant code language in place.
- Application of a shoreline variance to allow development for certain properties along the toe of the bluff.
- Adoption of a code amendment to add a reasonable use section to the Critical Areas Ordinance.
- Extension of the blanket exemption for the First Street bluff to the Cascade bluff.
- Delay a decision on revising our Critical Areas Ordinance and its application in the marina.
- Consideration of a Critical Areas Ordinance exemption applicable for the marina and separate from the blanket exemption applied along 1st street.

The PAB acknowledges that major changes to the Critical Areas Ordinance as it is

applied to the marina area may require changes to the Shoreline Master Plan. The PAB suggests that the Council avoid making changes to the Shoreline Master Plan until the City is required by law to do so in 2011.

In accordance with the directive by council to review the city's existing policies and regulations regarding waterfront uses (both public and private) and development standards to determine if changes would be desirable, the PAB has the following recommendations.

1. In the area of the marina the city should apply an exemption at the toe of the bluff that allows historic setbacks on existing structures so that property owners can remodel or expand their buildings in their current locations. All other existing city codes regarding height restrictions and dimensions will apply. The PAB does not recommend exempting development from the Critical Areas Ordinance at the top of the bluff, nor does it recommend allowing development on the bluff.
2. The PAB recommends to Council that it consider refining the blanket exemption to the Critical Areas Ordinance applied to 1st Street so that the size and scope of future projects can reasonably be expected to be in the interest of the citizens, merchants and property owners. It is the PAB's opinion that preservation of Seawall Park and vegetated slope on the bluff is in the interest of the city of Langley. To that end we suggest that the Council authorize and promptly conduct a survey of the park's boundaries and complete the title searches that have been authorized.
3. The PAB recommends that City Council authorize and undertake a citywide bluff erosion and coastal flooding and drift study conducted by an independent contractor that takes into account long term rise of sea level. This will determine which bluffs within our city limits we should prioritize resources for remediation and protection.

Approved unanimously by the Planning Advisory Board on February 13, 2008.