Memo

To: Mayor McCarthy, City Council
From: Jeff Arango, AICP - Director of Community Planning
Date: June 11, 2013

Re: Comprehensive Plan Amendments

Below is a list and summary of comprehensive plan amendments that were the subject of the April 3, 2013 public hearing held by the Planning Advisory Board (PAB). Following the public hearing the PAB recommended adoption of the comprehensive plan amendments as outlined below.

A. Shoreline Master Program Update. The shoreline master program is both a plan and a regulatory document. The SMP will be adopted by reference as the comprehensive plan shoreline element.

a. Rezoning on Sunrise Lane. One of the recommended outcomes from the shoreline master program update process is to rezone four properties along Sunrise Lane from residential to the Central Business District. The rezoning will facilitate the redevelopment of these properties with expanded and improve public access to the shoreline. Property owners that would be directly affected by the change in the future land use designation were mailed a public hearing notice. The PAB recommends not proceeding with the rezoning on Sunrise Lane at this time in part because of opposition from the property owners. This issue should be reexamined during the 2016 comprehensive plan periodic update.

B. Light Industrial Zoning. The city has plans to explore options for implementing a light industrial zoning district within the city limits. Language has been added to the comprehensive plan to support further study of the economic and community benefits of implementing a light industrial zoning district.

C. P-1 Public Zone Amendments. The future land use map has been amended to remove the P-1 designation for all properties otherwise within the central business district.

D. Support for an all seasons RV Park at the Fairgrounds. The city is currently working on a design plan for an all seasons RV park at the fairgrounds. Support for this effort has been incorporated into the plan.
E. **Capital Improvement Program** – The six-year capital improvement program was recently updated and will be incorporated by reference into the comprehensive plan. Additional graphics and illustrations of the six-year capital improvement program projects will also be included. Other policy amendments to the capital facilities element have been amended.

F. **Circulation Plan.** A number of proposed projects to improve circulation in the city are currently being considered and need to be reflected in the comprehensive plan. Those projects include a pedestrian connection from the marina to Seawall Park, the extension of Third St. to Cascade Avenue, the funicular connection from Cascade Ave. to the marina and the potential connection of Second and Third Streets through the US Post office parking lot. A circulation plan diagram has been incorporated into the Transportation Element along with summaries of each project.

G. **Eliminate references to Subarea Planning, Transfer of Development Rights and Land Use Budgeting.** During a series of meetings in June and July of 2011 the city council consensus was to remove references to subarea planning, transfer of development rights and land use budgeting because they are not appropriate tools for Langley. The city should consider alternative approaches to land use planning, protecting open space and growth management that are appropriate for the community as part of the 2016 period update to the comprehensive plan.

H. **Future Land Use Map District Boundaries.** The property on the west side of Minnie Lane current has a split zoning designation (commercial and residential). The future land use designation has been amended to designate the property to residential only consistent with the current use and is supported by the property owner. Properties along First, Second and Third Street that currently have a commercial designation, but are zoned for residential use have been amended on the future land use map to be designated as residential consistent with the zoning map.

I. **Executive Summary.** The executive summary has been amended to better reflect current planning priorities and to simplify the language.

**Recommendation**

Staff recommends the City Council approve the comprehensive plan amendments as recommended by the PAB.

**Attachments:**
- PAB Findings of Fact and Recommendation
- PAB Public Hearing Minutes
- Ordinance adopting 2013 Comprehensive Plan Amendments
  - Comprehensive Plan Amendments – Identified as Attachments A-G
CITY OF LANGLEY
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RELATING TO AN ANNUAL AMENDMENT TO THE CITY’S COMPREHENSIVE PLAN AMENDING THE EXECUTIVE SUMMARY, ECONOMIC DEVELOPMENT ELEMENT, LAND USE ELEMENT, HOUSING ELEMENT, CAPITAL FACILITIES ELEMENT, AND THE SHORELINE ELEMENT.

WHEREAS, the City of Langley is authorized by WAC 365-196-640 to update the city’s comprehensive plan no more than once annually; and

WHEREAS, the City of Langley’s comprehensive plan amendment in April 2013 regarding the update of the city’s Shoreline Master Program does not constitute its annual update in accordance with WAC 365-196-640; and

WHEREAS, sub-area planning, land use budgeting and transfer of development rights have been determined to not be appropriate tools at this time for the city’s planning program; and

WHEREAS, the city has developed graphics to illustrate certain capital plan projects for public education and to generate further input regarding the design of the projects; and

WHEREAS, the city’s SEPA responsible official issued a Determination of Nonsignificance (DNS) on March 13, 2013 following review of the proposed comprehensive plan amendments and environmental checklist.

WHEREAS, in accordance with RCW 36.70A.106 the city submitted the comprehensive plan amendments to the Department of Commerce for review on March 13, 2013 and received confirmation from the Department of Commerce on March 18, 2013 of receipt and the required 60 day notice. No appeals were filed within the 10 day appeal period

WHEREAS, the City’s SEPA Responsible Official has reviewed this Ordinance and related environmental checklist and has issued a Determination of Non-significance (DNS) threshold determination under the State Environmental Policy Act (SEPA); and

WHEREAS, after due and proper notice the PAB held a public hearing on April 3, 2013 to accept public comments on the proposal. Several people attending the public hearing and provided comments on the proposal as reflected in the public hearing minutes; and

WHEREAS, on the Planning Advisory Board (PAB) considered the staff report and public comment received prior to issuing findings of fact and a recommendation; and

WHEREAS, on May 1, 2013, the PAB issued written Findings of Fact and Recommendation ("Recommendation") attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed amendments; and
WHEREAS, on __________, 2013, the City Council in open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1: Amendments to the City of Langley Comprehensive Plan consisting of amendments to the Executive Summary, Economic Development, Housing, Land Use, Transportation, Capital Facilities Elements as Attached hereto.

Attachments:
A. Executive Summary
B. Economic Development Element
C. Land Use Element
D. Housing Element
E. Capital Facilities
F. Transportation Element
G. Shoreline Element

Section 2: Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3: Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council of the City of Langley and APPROVED by the Mayor this ______ day of ___ 2013.

________________________________________
Fred McCarthy, Mayor

Debbie L. Mahler, Director of Finance/Clerk

APPROVED AS TO FORM:

________________________________________
Michael R. Kenyon, City Attorney
The meeting was called to order at 3:01 PM.

ATTENDANCE:
Members present: Thomas Gill, Dominique Emerson, Aaron Simpson (alternate), Dominique Emerson
Members absent: Roger Gage, Gail Fleming
Staff present: Jeff Arango, Cheryl Knighton

APPROVAL OF MINUTES

Motion by Dominique Emerson to approve the minutes of March 6, 2013 as presented. Seconded by Thomas Gill. Motion passed 3-0.

Public Hearing – Comprehensive Plan Updates

The public hearing opened at 3:05 PM.
Jeff provided a summary of the Comprehensive Plan Updates that are up for consideration.

Shoreline Master Program Update

Public Comments

A. Rezoning on Sunrise Lane

Connie Marcucci started that the property has been in her family for 100 years and wants the zoning not to change. She is worried about what the tax impact would be if rezoned and asked when the plan is to be implemented. Jeff explained that this is just the first stage of the process. It is only up for consideration at this point. He thought that the land value would go up, but didn’t have specific information on the direct property tax implications. Aaron said that there are some avenues that the city could do to investigate the potential increase in taxes by contacting the Island County Assessor.

Nancy Opfer is also concerned about the property tax increase and wants to know what the impact would be.

Aaron expressed it’s the people who have the voice in these decisions. Thomas agreed, both would vote against it if that were what the people wanted.
Jay Johnson is upset to know the city wants to change the zoning. Wants the process to stop now, and leave the zoning as is.

Jeanne Martin also stated their property on Sunrise Lane has been in the family for four generations and has no desire to make it commercial nor would she want the neighbors to go commercial.

Grace Ojala asked about the plan for public access to their properties. Jeff explained the need for the public access along Sunrise to connect Seawall Park to the Marina. The purpose of the meeting is to inform the public and to get input.

Jay Johnson said if there is public access along their properties the potential for vandalism will increase.

Thomas said there is a need for emergency access, and reminded everyone about the recent slide.

John Ocedus is concerned how the city would expect a developer to provide parking in the area as there is no space for parking.

Thomas let the public know that it is not this board that makes the decisions on permits.

Ron Kasprisin asked if there had been a study on the viability of having a commercial zone on Sunrise Lane. He feels there should be more investigation.

Jim Sundberg asked how many properties were involved on Sunrise Lane. The answer is five.

B. Land use Designations on First, Second and Third Streets

Craig Carly asked if we were expanding the commercial properties on 3rd street. Jeff answered no.

Todd Soli asked at what point would they be forced to go commercial. Like if a house were burned down could they rebuild residential. Jeff explained they never would be forced to go commercial and that the zoning could be written as such. Aaron reiterated that this is not cut in stone, the city is not going to force the property owners to do anything.

Connie Marcucci offered a key to the gate to the city for emergency purposes.

C. Light Industrial Zoning
Jeff explained that this is not the actual implementation at this stage. Still many concerns regarding what the benefits would be. Aaron would like to look at the various scales of light industrial.

D. P-1 Public Zone Amendments

Jeff explained the proposal to designate the public zone properties otherwise in the central business district for commercial use that would include public uses. Jim Sundberg was in favor of it saying it added more flexibility for our public buildings.

H. Future Land Use Map District Boundaries

Kay asked about her property being zoned residential but thought if it were zoned commercial she might have a better chance of selling. Aaron explained the process of rezoning and if she wanted she could do so.

Ms. Rodriguez requested a copy of the Ordinance for the restrictions on expanding existing commercial buildings such as Mo's.

The consensus from the public, is to make the maps the same using residential use.

E. Support for an all seasons RV Park at the Fairgrounds

Craig Carty felt it is a good idea and that is would be another resource for revenue for this city. Kay Lagerquist was also in favor. John Lawson asked if there would be restrictions on fires. Thomas said they would have to follow the city burn band policy. There would be 15 sites at the South end of the fairground. Fran Abel asked about noise. As with the burn ban, they would have to follow the city noise ordinance.

F. Capital Improvement Program

Jeff has updated the Third Street connection diagram to simplify it. Aaron asked if there is a possibility of a one way street. Jeff said yes, but basically not probable because it would not be good for businesses. Also Aaron wanted to know if there could be references added to explain what the Capital Improvement Plan is. One projects include surveillance for the town, cameras etc. It would be nice to know where they would be installed, and when. Jeff will make note.

G. Circulation Plan

Jim Sundberg likes the idea of opening up some of the paths for a trial basis.
H. Eliminate references to Subarea Planning, Transfer of Development Rights and Land Use Budgeting

Jeff informed the public this was struck down by the council at a workshop in 2011.

Public Meeting closed at 4:51PM

Executive Summary

Dominique feels there is more information needed for Sunrise Lane regarding tax implications, parking requirements etc. There needs to be a balance regarding the needs of the city verses the property owners.

Meeting Adjourned at 5:14pm
Planning Advisory Board Findings of Fact and Recommendation to the Langley City Council

Public Hearing - April 3, 2013

From: Thomas Gill, Chair of the City of Langley Planning Advisory Board (PAB)
To: Mayor McCarthy and City Council
Subject: 2013 Comprehensive Plan Amendments

Background:
The Growth Management Act (GMA) requires cities and counties within certain counties in the State of Washington to adopt comprehensive plans (and development regulations) meeting certain requirements (RCW 36.70A). RCW 36.70A.130 provides that local jurisdictions may, except in limited circumstances, amend the comprehensive plan no more frequently that once per year. Since the adoption of the GMA Comprehensive Plan, the City of Langley has routinely amended its Comprehensive Plan on an annual or semi-annual basis.

Description of Proposals:
A. Shoreline Master Program Update. The shoreline master program is both a plan and a regulatory document. The SMP will be adopted by reference as the comprehensive plan shoreline element.

B. Light Industrial Zoning. The city has plans to explore options for implementing a light industrial zoning district within the city limits. Language has been added to the comprehensive plan to support further study of the economic and community benefits of implementing a light industrial zoning district.

C. P-1 Public Zone Amendments. The future land use map has been amended to remove the P-1 designation for all properties otherwise within the central business district.

D. Support for an all seasons RV Park at the Fairgrounds. The city is currently working on a design plan for an all seasons RV park at the fairgrounds. Support for this effort has been incorporated into the plan.

E. Capital Improvement Program. The six-year capital improvement program was recently updated and will be incorporated by reference into the comprehensive plan. Additional graphics and illustrations of the six-year capital improvement program projects are also included. Other policy amendments to the capital facilities element are included.

F. Circulation Plan. A number of proposed projects to improve circulation in the city are currently being considered and need to be reflected in the comprehensive
plan. Those projects include a pedestrian connection from the marina to Seawall Park, the extension of Third St. to Cascade Avenue, the funicular connection from Cascade Ave. to the marina and the potential connection of Second and Third Streets through the US Post office parking lot. A circulation plan diagram has been incorporated into the Transportation Element along with summaries of each project.

G. Eliminate references to Subarea Planning, Transfer of Development Rights and Land Use Budgeting. During a series of meetings in June and July of 2011 the city council consensus was to remove references to subarea planning, transfer of development rights and land use budgeting because they are not appropriate tools for Langley. The city should consider alternative approaches to land use planning, protecting open space and growth management that are appropriate for the community as part of the 2016 period update to the comprehensive plan.

H. Future Land Use Map District Boundaries.
   a. Minnie Lane Split Zone. The property on the west side of Minnie Lane current has a split zoning designation [commercial and residential]. The future land use designation has been amended to designate the property for residential use consistent with adjacent properties.
   b. First, Second and Third Streets. Several properties on First, Second and Third Streets west of Anthes Avenue are currently designated as commercial on the future land use map, but are zoned for residential use. The future land use map has been amended to re-designate these properties for residential use.

I. Executive Summary. The executive summary has been amended to better reflect current planning priorities and to simplify the language.

Findings of Fact

A. The proposed comprehensive plan amendments are intended to better address current planning priorities

B. A public hearing was held on April 3, 2013 following proper public notification to accept public comments. Several people attended the hearing and provided input on the proposed comprehensive amendments as reflected in the public hearing minutes.

C. On March 18, 2013 the Department of Commerce received draft copies of the comprehensive plan amendments with a notice of intent to adopt following the 60-day review period.

D. The SEPA responsible official issued a Determination of Non-Significance on March 13, 2013 with a 10-day appeal period. No appeal was filed.

E. Although not a local or state requirement, the city sent notices via mail to property owners that would be directly affected by amendments to the future land use map in order to solicit input.
F. Property owners on Sunrise Lane expressed strong opposition to amending the land use designations on their properties from residential to commercial citing a desire to continue to use the property for residential use and potential property tax increases as a result of the eventual zoning change.

G. Property owners on First, Second and Third Street expressed strong support for designating their properties for residential use.

H. The removal of the public zone designation for properties otherwise located in the city’s central business district will provide greater flexibility of uses in the downtown area consistent with existing land uses and the character of the area.

I. Given the opposition from the property owners on Sunrise Lane to the proposed commercial designation on the future land use map it is in the best interest of the city to delay any amendments to those properties at this time and reevaluate the issue as part of the 2016 periodic update to the comprehensive plan.

J. Existing vacancies and undeveloped properties in the central business district do no warrant expansion of the commercially designated and zoned properties at this time.

K. The capital plan graphics represent concepts for public education purposes and are not detailed or final designs. Further input from the public and affected property owners must be considered in the future prior to implementation of the proposed projects.

L. The circulation plan diagram and implementation of the associated projects are important to the future quality of life and economic vitality of the city by improving vehicular and pedestrian connections amongst neighborhoods and facilitating well-designed private sector investment.

RECOMMENDATION

The Planning Advisory Board recommends adoption of the amendments to the comprehensive plan as presented and documented above.

Thomas Gill  
Date  
Chair - Planning Advisory Board  

5/1/2013