Memo

To: Mayor McCarthy, City Council
From: Jeff Arango, AICP - Director of Community Planning
Date: September 10, 2013

Re: Edgecliff Rezoning Ordinance – 1st Reading

Proposal Summary

The subject proposal is to rezone approximately 33 acres of land between Edgecliff Drive and Sandy Point Way from RS-7200[with sewer] to RS 15,000. The result would be a decrease in allowable density from approximately 6 units per acre to 3 units per acre even with the introduction of sewer service. The RS 15,000 zoning designation is consistent with the properties on the bluff side of Edgecliff Drive as well as the bluff properties along Saratoga Drive at the north/west boundary of the city.

Urban Density and Critical Areas

The area within and surrounding the area proposed to be rezoned contains extensive critical areas consisting of wetlands and geo-hazard areas along the bluff that are prone to landslide activity. While there is not “bright line” standard for urban density as required by the growth management act (GMA) in urban growth areas to the extent that a density of 3 units per acre would be considered less than urban density the Washington Administrative Code (WAC 36-196-300) specifically authorizes less than urban density in the following circumstances:

[g] Counties and cities may designate some urban areas at less than urban densities to protect a network of critical areas, to avoid further development in frequently flooded areas, or to prevent further development in geologically hazardous areas. Counties or cities should show that the critical areas are present in the area so designated and that area designated is limited to the area necessary to achieve these purposes.

Given the network of critical areas within and surrounding the area proposed for rezoning, the above standard appears directly applicable. In addition, the Whole Langley Code proposal approved by the PAB in 2010 included a downzoning of this area.

Growth Management Act Population Allocation

Cities are obligated under the GMA to plan for and accommodate a 20-year growth projection. Langley’s population allocation from the 2006 comprehensive plan is approximately 2200 persons while the existing population is 1035 as of the 2010 census. The total potential population identified in the 2006 comprehensive plan is 4,255 (included the existing population). Therefore a reduction in density of 33 acres of land from 6 units per acre to 3 units per acre will not impact the city’s ability to accommodate it’s 20 year growth target. The maximum decrease in population allocation resulting from the decrease would not exceed 200 persons and that does not take into consideration the extensive critical areas that result in a 75% reduction in density. The city may move forward with the rezoning proposal without impacting compliance with the GMA or the city’s responsibility to accommodate the 20-year population projection.
Comprehensive Plan

The city's comprehensive plan has strong support for protecting critical areas and encouraging development in more appropriate areas of the city [see attached ordinance]. The city has plenty of development capacity to meet the city's obligations to accommodate urban growth and density within the city's urban growth area. Other areas of the city are currently better served by infrastructure and in general are more appropriate for higher intensity's of development. During the 2016 comprehensive plan update process the city will consider increasing density allowances, particularly for multi-family development that currently has limited opportunities, through the core of the city.

Recommendation

Staff recommends the city council accept the recommendation of the Planning Advisory Board and adopt the ordinance as presented.

Attachments:

Ordinance  
Zoning Map  
PAB Findings of Fact and Recommendation  
PAB Public Hearing Minutes  
Notice to Property Owners  
Written Public Comments  
Public Hearing Notice  
WA Department of Commerce Expedited Review Approval  
SEPA Determination of Non-Significance (DNS)
ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RELATING TO THE CITY ZONING CODE CONTAINED IN TITLE 18 OF THE LANGLEY MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING ON CERTAIN PROPERTIES BETWEEN EDGECLIFF DRIVE AND SANDYPOINT ROAD FROM RS-7200WS TO RS-15000.

WHEREAS, the City’s adopted future land use map in the Comprehensive Plan designates the subject properties for residential use; and

WHEREAS, The subject area contains an extensive network of wetlands and is in close proximity to geohazard areas that have historically been subject to landslide activity; and

WHEREAS, one of the nine goals in the Comprehensive Plan states The City of Langley should provide an effective stewardship of the environment to protect critical areas and conserve land, air, water and energy resources; and

WHEREAS, The zoning map amendment will reduce the allowable density of development in order to protect the existing network of critical areas from more intense development; and

WHEREAS, The Washington State Administrative Code (WAC 36-196-300) allows for less than urban densities to protect a network of critical areas; and

WHEREAS, The comprehensive plan identifies a 20-year growth projection of 2200 persons for the city of Langley that must be accommodated in accordance with the Washington State Growth Management Act (GMA); and

WHEREAS, The city’s existing urban growth area (UGA) can accommodate approximately 4,255 persons, which is significantly in excess of the city’s requirements under the GMA. The adoption of this proposal will not impact the city’s compliance with accommodated the GMA required growth projection within the UGA; and

WHEREAS, the SEPA Responsible Official issued a Determination of Non-Significance (DNS) on August 17, 2013 with a 14-day comment period and a 10-day appeal period. No comments or appeals were issued; and

WHEREAS, the city was granted expedited review from the Department of Commerce on August 27, 2012 in satisfaction of the review requirements of the Growth Management Act; and

WHEREAS, the Planning Advisory Board held a public hearing on August 7, 2013 to consider the proposal and accept public comment. Following the close of the public hearing the Planning Advisory Board recommended the city council adopt the ordinance as presented by a vote of 4-1.

NOW, THEREFORE, be it ordained by the City Council of the City of Langley,
Washington, as follows:

Section 1. Amend the official zoning map as noted (Attachment A)

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, WASHINGTON, and approved by the Mayor at a regular meeting held this ___ day of __________________, 2013.

______________________________
Fred McCarthy, Mayor

ATTEST:

______________________________
Debbie L. Mahler, Director of Finance/City Clerk

APPROVED AS TO FORM:

______________________________
Michael R. Kenyon, City Attorney
Planning Advisory Board Findings of Fact and Conclusions of Law and Recommendation to the Langley City Council

August 7, 2013

From: Thomas Gill, Chair of the City of Langley Planning Advisory Board (PAB)
To: Mayor and City Council
Subject: Zoning Map Amendment in Edgecliff Neighborhood

A. The Findings of Fact and Conclusions of Law were prepared by the PAB for the proposals heard by the PAB in an open public hearing on August 7, 2013:

1. Zoning Map Amendment for 33 acres of land between Edgecliff Drive and Sandy Point Way to change the zoning designation from RS7200-WS to RS15000.

B. The proposals are consistent with the following Compensate Plan Goals and Policies:

1. Land Use Goal 7: Critical Areas and Natural Resource Lands - Identify, protect, preserve, and restore critical areas and conserve natural resource lands to balance urban development and sensitive features of the natural environment. Allocate land uses to recognize the land's environmental capabilities and suitabilities in the most reasonable and effective manner, by allowing innovation and flexibility while ensuring the environment is not degraded and that development does not result in a public hazard or nuisance.

   i. 7.3 Adopt and continue to refine land development regulations that ensure the protection of the attributes, functions, and amenities of the natural environment, better control clearing and grading activities to limit the impacts of sediment-laden runoff, and to maintain natural drainage patterns and water table levels.

   ii. 7.6 Locate development in areas with few environmental constraints. Development alternatives that maintain sensitive and critical areas in a natural state are preferred.

C. The subject area contains an extensive network of wetlands and is in close proximity to geohazard areas that have historically been subject to landslide activity.

D. The Washington State Administrative Code [WAC 36-196-300] allows for less than urban densities to protect a network of critical areas.

E. The comprehensive plan identifies a 20-year growth projection of 2200 persons for the city of Langley that must be accommodated in accordance with the Washington State Growth Management Act (GMA).
F. The city's existing urban growth area (UGA) can accommodate approximately 4,255 persons, which is significantly in excess of the city's requirements under the GMA. The adoption of this proposal will not impact the city's compliance with accommodated the GMA required growth projection within the UGA.

G. The zoning map amendment will reduce the allowable density of development in order to protect the existing network of critical areas from more intense development.

H. The area on the north side of Edgecliff Drive adjacent to the subject area has an existing zoning designation of RS15000.

I. The city has received three written comments on the proposal all in support of adoption.

J. Several members of the public attended the public hearing and spoke in support of adopting the proposed zoning map amendment.

CONCLUSIONS OF LAW AND RECOMMENDATION

Following their own deliberations and based upon its review of the requirements of Chapter 36.70A RCW and the proposals with revisions, the recommended findings on review, and the public comments received, the PAB found and declared that the review and the revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and the PAB approves a motion to forward the amendments specified herein to the City Council with their recommendation of approval. Pursuant to RCW 36.70A.130 each local comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city planning commission so that their recommendations are consistent with the comprehensive plan and deemed necessary so that the Comprehensive Plan responds to new information, changed growth philosophies, citizen initiatives or other identified needs.

The PAB voted 4-1 to recommend adoption to the city council.

[Signature]

Thomas Gill
Chair - Planning Advisory Board

8/9/2013

Date
Minutes
City of Langley
Planning advisory board
August 8, 2013

The meeting was called to order at 3:03PM

Attendance:
Members present: Roger Gage, Aaron Simpson, Gail Fleming, Dominigue Emerson
Members absent: Sue Walsh
Staff present: Jeff Arango, Cheryl Knighton

Approval of Minutes: Motion by Roger to approve with changes of misspelling of decibel, and correction in quote by Aaron whereas he feels there should be enforcement of the “existing ordinance”. Second by Aaron. Approved.

Public Hearing - Edgecliff Rezoning Proposal - opened 3:05

Jeff spoke and explained the area and why the changes should be made to the zoning in Edgecliff. All property owners were notified and we received only one comment made. It has been recommended by the Planning Advisory Board, and by the Council. He explained that we are required by the Growth Management Act and based on the findings we are in compliance.

Aaron asked about the critical areas on the map not showing other areas of wetlands. Jeff explained there is probable areas. Dominique is concerned that it is not sufficient. Other neighborhoods don’t have as large of an area as these and there is already development in other areas.

John Beck property owner, was concerned about more houses being built, but Jeff explained this will reduce the amount.

Jonathon Moses is in support of the proposal, and read a statement from his neighbors in support also. But they are concerned about water flow and storm water runoff. Possibly a good idea to extend the area.

Bruce Kortebein is in support of the proposal. Doris Matz asked about the Langley Passage, and Jeff explained that it is pending and he explained the history. Also that it will not affect them.

Rhonda Salerno is a major property owner in the area and is in support, but is concerned about drainage.

Hearing closed 3:38PM

Motion to move forward to council, Gail, Roger second.
Discussion on extending the Noble Creek area and including it. Jeff said they would look at that later when the Comprehensive Plan is updated. Dominique wants the proposal amended to include a larger area. But Jeff pointed out that this proposal has the support of the community, and there may be another one brought forward in the future. Thomas, Gail, Aaron and Roger all agreed to complete this proposal as it stands. Motion to take current proposal to the council was voted on. Roger - yes, Aaron - yes, Gail - yes, Thomas - yes, Dominique - no. Passed 4 to 1.

Amplified Music

Jeff gave an overview of an interim ordinance. It will allow any day of the week, but with certain times limitations. Proposal has not be sent to neighbors at this time, but will be if approved to move forward. Discussion on “audible at property line” needs some clarification. Are there mechanisms for enforcement as in the police could monitor. Dedicated time is important.

Maureen Cook said she has always wanted just to have dining music. She does monitor the decibel levels. She has noticed that people are being more thoughtful when coming and going and not being noisy. She thinks people want Mo's to succeed.

The next step will be to send the proposal out to property owners, then council, then a public hearing. All agreed. Motion to do so, Aaron, second, Thomas. There will be a Special Meeting on August 21st at 3:00PM.

Code Amendments - Restructure of Design Review Board

Jeff handed out the code amendment as discussed in the prior meeting. He explained how he would like to see their roles and the process changed. There was much discussion on how the process would work. Jeff is open to modifying the numbers. Discussion on having more than 1 meeting a month, possibly a co-meeting with DRB to hear concerns. Jeff will outline the functions of DRB. To be continued to next meeting.

Other Items Not on the Agenda

Some discussion 1st Street parking. Will be deferred until 2nd Street in completed. Jeff is thinking of having a design competition. Parking times on 2nd Street need to be looked at. More discussion to follow.

The City’s website is cumbersome, we will be doing an RFP this fall for website design and maintenance. Discussion on the notices getting out. Cheryl is working on an email data base to notify citizens of City happenings. Aaron thinks there is a lack of multi-family dwellings. Gail said not to forget the tree ordinance.

Audience input – None

Meeting adjourned – 5:10pm
July 22, 2013

Dear Property Owner,

This letter is to inform you that the Langley Planning Advisory Board will be holding a Public Hearing on August 7, 2013 from 3pm to 5pm in city hall to consider a proposal to amend the zoning for an approximately 33 acre area between Edgecliff Drive and Sandypoint Way that according to our records includes property you currently own. The proposal would amend the zoning from RS-7200-WS to RS-15,000 (See Attached Zoning Map). The amendment, if approved, would result in a reduction in allowable density [housing units] on properties in the area from approximately 6 units per acre to 3 units per acre. The amendment is intended to protect a network of critical areas including extensive wetlands and adjacent geo-hazard areas along the bluff. The purpose of this letter is to solicit public input on the proposal from all interested stakeholders prior to the city making a decision on the proposal.

You are encouraged to attend the public hearing so your concerns and questions can be answered. If you would like to discuss the matter prior to the meeting or submit written comments for the record please do not hesitate to contact the Community Planning Department at 221-4246x26 or via email at jarango@langleywa.org

Sincerely,

Jeff Arango, AICP
Director of Community Development

Enc: Public Hearing Notice
Proposed Zoning Map
Pauline Cruchon <pcruchon@hotmail.com>  
To: Jeff Arango  
Rezone 33 acres

Dear Mr. Arango and Langley PAB,

Sorry I can't attend the public hearing today on the rezone of the 33 acres between Sandy Point Road and Edgecliff Dr.  
I would like to make a few comments on the issue since it directly effects our property at 800 Sandy Point Road and residences in the area.

First of all I want to let you know that we, (my husband Dana) are in favor of the proposed zoning change to RS 15000.  
Our property does contain a critical wetland which we have tried to protect and enhance over the years. It is part of a major drainage system of the area and greatly impacts the bluff. Over the years it has been a battle to control the growth of the alder trees that are choking the wetland. If the wetland is restricted from draining naturally and too much water is retained in the area it can put more pressure on the bluff, playing havoc with it's stability and flooding homes already established. Having said that it would be in the best interest of the bluff to protect and maintain the wetlands above it. Since our wetland is connected to wetland on a vacant partial maybe the city should consider obtaining or purchasing the building rights to the vacant partial to protect the land forever.

I served on the 1st growth management planning board for Langley some 20 years ago. At that time the board thought major development could take place out in this part of the city. I was not in favor of this idea due to the critical areas, both wetlands and steep slopes. It was not realistic or responsible.

Each year more and more of the Edgecliff bluff falls into the see. From the water the loss is rather obvious. It looks like bigger and bigger slides are happening from year to year. This year it looks like there are more houses for sale on the bluff side of Edgecliff then ever before. Maybe that is a sign.

Please do the right thing and protect our citizens and our precious resources.

Thank you for your time.
Pauline Cruchon
221-6460 or 425-879-8222
Dear Mr. Arango,

I understand that on Wednesday, 8/7, the PAB will take up the zoning change from 7200WS back to 15,000 for the Edgecliff area. By now, we all appreciate that the area under consideration is located at the end of large drainage basin and that stormwater generally flows from south to north toward the waters of Saratoga Passage. We are also aware - and I believe just about everyone agrees - that higher density increases and concentrates stormwater flows via increased impervious surfaces and reduced vegetation. We believe that the City now has sufficient evidence to justify the retention of 15,000 sq.ft. lot sizing and that the record shows that the City is aware of the effect and danger associated with stormwater flows that are expensive and difficult to manage. I hope that the PAB will agree that a reduction in potential density of the area is environmentally and economically beneficial to all and is in the public interest.

Respectfully,

Barbara and Rolf Settle
Langley
Hi Jeff,
I can’t make it to the planning meeting this week. I read and am in agreement with the letter submitted by Barbara and Rolf Seite regarding the Edgecliff rezone. This is a critical area, and deserves the protections provided in part by decreasing the zoning.

Thanks,
Carl Magnusson
625 Edgecliff Dr
CITY OF LANGLY
PLANNING ADVISORY BOARD
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Langley Planning Advisory Board will hold a public hearing on Wednesday August 7, 2013 beginning at 3:00 PM, at Langley City Hall Council Chambers, 112 Second Street, Langley, WA, on the following proposals:

1. **Rezone an approximately 33 acre area between Edgecliff Drive and Sandypoint Way from RS-7200-WS to RS-15000**

Members of the public are cordially invited to attend this public hearing and provide comments to the Planning Advisory Board. Written comments may also be submitted to the public record before the public hearing to Jeff Arango, Director of Community Planning, PO Box 366, Langley, WA 98260. Information on the proposals is available for review at Langley City Hall, 112 Second Street, Langley, during regular business hours or through the City’s website at www.langleywa.org.
Dear Mr. Arango:

The City of Langley has been granted expedited review for the proposed amendment to the official zoning map to rezone approximately 33 acres of land between Edgecliff Drive and Sandypoint Road. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Langley has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact Paul Johnson at 360.725.3048 or by email at paul.johnson@commerce.wa.gov.

Thank you.

Review Team, Growth Management Services
Department of Commerce
P.O. Box 42525
Olympia WA 98504-2525
(360) 725-3000
FAX (360) 664-3123
CITY OF LANGLEY – STATE ENVIRONMENTAL POLICY ACT
DETERMINATION OF NON-SIGNIFICANCE

Description of Proposals: Amend the city's zoning map to rezone approximately 33 acres of land between Edgecliff Drive and Sandpoint Road from RS-7200(with sewer) to RS 15,000. The result would be a decrease in allowable density from approximately 6 units per acre to 3 units per acre even with the introduction of sewer service.

Details of the proposals are available upon request and are reviewable on the City's web site - www.langleywa.org/planning

Proponent: City of Langley, WA

Location of proposal: The City of Langley located on South Whidbey Island, Island County, WA.

Lead Agency: City of Langley, WA

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C030 (2) [c]. The decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

X This DNS is issued under 197-11-340; the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted within 14 days to the Responsible Official at the address below. (September 2, 2013) An appeal of this Threshold Determination must be submitted by August 27, 2012 to the address below.

Responsible Official: Jeff Arango

Position: Director of Community Planning

Address: 112 2nd Street, P.O. Box 366, Langley, WA 98260

Date: August 17, 2013

Signature: [Signature]

Jeff Arango, AICP – Director of Community Planning