

EXHIBIT A



City of Langley

Planning Department

Staff Report

To: Planning Advisory Board
From: Brigid Reynolds, Director of Community Planning
Meeting Date: July 1, 2020

Purpose

To receive public testimony and consider the findings of facts and conclusions of law for Ordinance No. 1069, Zoning Map Amendment for two properties located at the corners of Second Street and DeBruyn Avenue.

Background

The two subject properties total 16,679 SF in area. They are located within the Residential Mixed (RM) zone district. The lots are undeveloped, flat and have no trees or critical areas. The property owners submitted an application to rezone the property as the regulations in the RM zone do not enable the same number of units that are permitted in the RS5000 zone district.

Comments that have been received through this process are attached to this report.

Planning Advisory Board Suggested Findings of Facts

1. Title 18 of the Langley Municipal Code (LMC) is intended to implement the Comprehensive Plan and generally service the public health, safety and welfare of the City of Langley.
2. Ch. 18.38.030.A states amendments to zone district boundaries may be initiative by petition of owners of 51 percent of the area of the properties to be rezoned.
3. A complete application to rezone the subject properties from Residential Mixed to RS5000 was received from the property owners on May 5, 2020.
4. As a result of recent amendments to the Municipal Code (Ordinance no 1051) the number of accessory dwelling units per lot were increased from one to two.
5. The regulations in the RM zone have not been amended in recent years and
6. Should the zoning amendment be approved the owners intend to submit an application to subdivide the two lots to create three lots with the intention to build a single family residence and one attached and one detached accessory dwelling unit or one duplex and one detached accessory dwelling unit on each lot.
7. At the May 6, 2020 regular meeting of the Planning Advisory Board the Director of Community Planning introduced the proposed zoning amendment.
8. The Comprehensive Plan Land Use Map LU-10 designates the subject properties as “residential”. The proposed uses are residential and consistent with the neighboring residential uses.

9. LMC 18.38.030.B. stated amendments to the zone district boundaries or classification may be made if all the following findings are made:

a. The amendment is consistent with the purposes of the comprehensive plan;

The amendment is consistent with intent of Comprehensive Plan and Growth Management Act Goals is to provide more diverse, affordable, denser, walkable housing in more compact urban growth areas.

b. The amendment is consistent with the purposes of title 18 to promote health, safety and general welfare;

The amendment is consistent with title 18 in that it will enable the construction of housing in the form of single family or duplex units as well as accessory dwelling units. The demand for small housing units in the City remains high. The subject properties are located within a 15 minute walk of the downtown core thereby reducing reliance on a vehicle.

c. The amendment is consistent and compatible with the uses and zoning of the surrounding property;

The surrounding properties have a mixture of uses - east and south east are single family and duplex homes; south is the Whidbey Tel utility bill and a vacant lot; west is St Hubert's Catholic Church; north west is Generation Park; and north is the Arcade, laundromat, and upholstery store.

d. There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;

Prior to the adoption of the Comprehensive Plan in 2018 the properties were zoned RS7500. The previous owner requested to rezone the property to Neighborhood Business as part of the Comprehensive Plan. The properties were eventually rezoned to Mixed Residential.

Once the owner/developer began to prepare development plans it became clear that the regulation was prohibitive regarding the number of units that could be constructed. Two recent ordinances approved by council: Ordinance 1054 (2019) creating R5000 lots from Second to Third between Anthes and DeBruyn and Ordinance 1051 (September 2018) which allows for up to two ADUs on all RS zones. Both ordinances came after the property was rezoned to Mixed Residential (MR). The total number of units that can be developed pursuant to the RS5000 is greater than what can be developed pursuant to the Residential Mixed zone.

e. The property is practically and physically suited for the uses allowed in the proposed zoning classification;

The property is practically and physically suited for the proposed single-family residence and accessory dwelling units. The subject properties total 16,679 SF and are located on the corner of Second Street and DeBruyn Ave so have 258.86 feet of street frontage. Water and sewer utilities are directly adjacent to the subject properties. The subject properties are cleared, flat and contain no trees or critical areas.

f. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

There are no identifiable adverse effects to public health, safety or welfare. The primary potential benefit is workforce housing.

The traffic generated by the proposed development will not reduce the level of service (LOS) at the nearest intersection with an established LOS (Third and DeBruyn) beyond the LOS established in the Comprehensive Plan.

10. On June 2, 2020 the City's SEPA Responsible Official issued a final Determination of Nonsignificance (DNS).

11. In accordance with RCW 36.70A.106, the City submitted its code amendments to the Department of Commerce for an expedited review on June 2, 2020 and received confirmation from the Department of Commerce on June 2, 2020, of receipt of the required notice.
12. On June 16, 2020 a Notice of Public Hearing was posted at City Hall, the Library, the Post Office and on the City's website. The notice was also published in the SW Record.
13. The PAB heard public testimony at a public hearing on July 1st, 2020.

Conclusions of Law

Based on the above Findings of Fact, the following Conclusions of Law have been made:

1. Council has the authority to approve or deny the proposed code amendments pursuant to LMC Ch. 18.36.050.B.
2. Ch. 18.20.080 grants the Planning Advisory Board responsibility for the review and recommendation to City Council for the development for the revision of land use regulations, including the zoning code and shoreline master program.
3. The amendments are consistent with the purposes of the Comprehensive Plan as detailed in item 9 above.
4. The amendments are consistent with the purposes of Title 18, as per section 18.01.010 as detailed in item 10 above
5. Following the open record public hearing on July 1, 2020 on the proposed code amendments, the PAB recommends that City Council adopt the findings of fact, conclusions of law, ordinance no. 1069 and related exhibits.
6. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.
7. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

Staff Recommendation

Following the close of the hearing and discussion by the PAB, the Board recommend the public hearing testimony, findings of facts report, and zoning amendment be forwarded to Council for its consideration of first reading of Ordinance No. 1069 (attached) to rezone the two properties located at the corner of Second Street and DeBruyn Avenue from RM to RS5000.