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City of Langley
PLANNING ADVISORY BOARD
MINUTES
DECEMBER 2, 2020
LANGLEY CITY HALL
112nd Street, Langley WA

Attendance: Rhonda Salerno, chair, Burt Buesch, Casey Gloster, Greg Easton
Staff: Brigid Reynolds, Alex Cattand
Guests: JR Fulton, Nicole Faghin

1. The meeting was called to order at 3:00 pm
2. Approve minutes of November 4, 2020
3. Discussion Items:
 - a. Planned Unit Development Zoning Code follow up from November meeting.

PAB members requested changes to PUD during the previous meeting.

- Fencing for playgrounds: Brigid talked to consultants about fencing and it is not unreasonable to require fencing around a playground. No specifics on the type of fencing required therefore it gives the developer flexibility depending on the intended use.
- Pesticides: Brigid did some research and the use of pesticides cannot be regulated through zoning. PAB suggest regulating pesticides something to think about.
- Consultants will come back with better definition for maker's space.
- Foster homes in PUD-H and multi-family not permitted but are permitted in every other zone. It is appropriate as it is a high-density zone. PAB thinks it might be overreaching to not allow foster homes in PUD-H and should not be excluded.
Staff says it is excluded in CB zone already
PAB motions that foster homes be permitted in the PUD-H.

b. Shoreline Master Plan (SMP) Update

Brigid presented a PowerPoint on SMP update and recommended amendments from gap analysis.

The SMP is applicable to development with the 200 foot shoreline planning area upland of the Ordinary High Water Mark

Three main goals of the SMP as dictated in the RCWs are:

- Protect environmental resources.
- Promote public access
- Give priority to water-related and water-dependent uses.

The gap analysis is a required element of the SMP update process. This analysis identifies mandatory amendments required by RCW as well as staff recommended amendments.

These are the mandatory amendments:

1. Critical area regulations (title 16) in the Municipal Code and the SMP must be correctly cross referenced.
2. Brigid noted that the critical area regulations need to be updated and this is being scheduled to begin in 2022 prior to beginning the next Comp Plan Periodic update.
3. The Comp Plan needs explicitly state that the goals and policies of the SMP are a considered element in the Comp Plan.
4. Cross referencing between the SMP and Ch. 18.31 needs to be corrected

Staff recommended amendments:

1. Align the Shoreline Environment and Aquatic Designations so they are consistent. Verbiage and maps aren't aligned and need to be.
2. Section 4.2.2.14 establishes an accessory building height at 18 feet 6 inches. All accessory building heights are 15 ft. These should be consistent.
3. Buffers/setbacks (geo-hazard): Consideration that the buffer should be increased. But this cross references to setbacks in Ch. 16.20 for geo hazard areas. These setbacks will be reviewed when Title 16 receives a full review.
4. Buffers/setbacks (urban zone): Policy 6.5.2.16 states a 20 ft setback from the back of the Seawall but Table 2 which includes all the regulations states 25 feet. PAB confirmed the setback/buffer should be consistent and set at 25 feet.
5. Required vegetation enhancement: Currently required only with an increase of impervious area more than 200 SF. Planting at the top of the bluff should be required for any development in the shoreline plan area. PAB confirmed planting be required for all development. Average recommendation 5-10 foot band of new planting. PAB confirmed.

5. Drainage improvements: Currently only required with an additional 200 SF of impervious area. A drainage plan should be required with any improvements to the principal structure. PAB confirmed.
6. Protecting 'view corridors' is referenced throughout the SMP but there are no defined 'view corridors' which make the related regulations 'arbitrary and capricious' and should therefore be removed. PAB confirms.
7. Excessive vegetation removal: Excessive is undefined and more guidelines are required so this is less arbitrary. PAB confirms.
8. Buoys: Require a CUP and the same process as docks. Amend to allow buoys as permitted use. PAB confirms.
9. Existing, legally nonconforming SFR: amend to define a clear path for an applicant. PAB confirms.
10. Moorage for water-related and water- enjoyment uses only in mixed use development and should include public access. PAB confirms.
11. Float planes: to add regulation. permit it or not. PAB recommends to leave it as is.

12. Sea level Rise (SLR).

Brigid presents information on climate change and (SLR) to provide the context in a PowerPoint presentation:

- Climate change: 2018 IPCC study indicates temperature are projected to rise in the next to 30 years by +1.5 degree Celsius.
- Adaptive measures include three main measures: protecting, adapting and retreating.
One suggestion is to purchase homes where SLR would be an issue and use these units for affordable housing until it's no longer feasible
- PAB discussed flood construction elevations. Flood proofing: question: what is the appropriate elevation? FEMA and ch. 15.24 requires 1 foot of elevation above the base flood elevation that is established in the FEMA maps. This doesn't account for SLR.
- Langley's shoreline: two areas that are low bluff where homes & infrastructure are at the highest risk to flooding .
- SLR: by how much and by when?
- Projected SLR for WA. Brigid describes the studies and tables of projections. The projections describe low and high greenhouse gas emission scenarios (RCP 4.5 and RCP 8.5) at different probabilities of occurrence 95%, 50% and 1%. ["Projected Sea Level Rise for Washington State: a 2018 Assessment"](#)
The PAB discussed the different GHG emission scenarios and probabilities.

Nicole Faghin says a consideration about selecting a certain

scenario and probability depends on the proposed location and use. For example, decisions about locating proposed uses that are expensive and have a long life span (infrastructure) in areas that are at a higher risk to flood impacts (low bank properties) should take a more conservative view. In contrast to decisions based upon locating uses in low risk locations and uses that are less susceptible to impacts.

- This is a local decision.
- PAB asked if using RCP 8.5 at 1% probability would make people more complacent considering the current trends. This is a behavioral question beyond the scope of this exercise.

PAB confirmed that Langley's Sea Level Rise strategy should use that high GHG emission scenario, i.e. RCP 8.5 at 50% probability of the expected SLR for the two time periods of 2050 and 2100.

As part of the strategy we need to make the information available to improve people's knowledge.

4. Applications:

Brigid noted that we have two developments proposed.

Nest Cottages on Third St has been put on hold by the developer pending the draft MF Infill housing code.

Convert the Boatyard Inn from a hotel to a condo.

5. Citizen comments:

JR Fulton stated that the projected flood elevations that we are proposing to use are not conservative enough.

6. Announcements

7. Adjourn: 5:15 pm

8. Next Regular Meeting: January 6th, 2021

9. Special Meeting scheduled for Wed December 16 from 4 – 5:30 pm to discuss the draft SMP/Sea Level Rise Strategy