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## City of Langley

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**Modification of  
DETERMINATION OF NON-SIGNIFICANCE  
Into  
MITIGATED DETERMINATION OF NON-SIGNIFICANCE  
Whidbey Neighborhood Short Plat**

Issued – April 30, 2019

City of Langley has received a permit application to create a four-lot short plat on Sandy Point Road.

Date permit application: June 20, 2018 Date determination of completeness: February 14, 2019

Based on all comments received, the SEPA official for the City of Langley is withdrawing the Determination of Non-significance (“DNS”) issued on April 2, 2019, and is adding conditions for a Mitigated Determination of Non-Significance (“MDNS”) pursuant to WAC 197-11-340(2)(f).

**Agency Contact:** Brigid Reynolds, [planning@langleywa.org](mailto:planning@langleywa.org), 360.221.4246

**Agency File Number:** SHP-18-001

### **Proposal**

The applicant seeks to create a four-lot short plat and one native growth protection tract in tax parcel numbers R32902-345-1350 & R32902-308-1550 (the “Property”). The Property is zoned RS15000 and is comprised of two large undeveloped lots. The short plat is proposed to be served by City sewer and water. Access is proposed to be a private road connecting to Sandy Point Road. Sewer services will be extended 650 feet down Sandy Point Road along the frontage of the Property. A wetland is located on the north ½ of the Property and is a Category III wetland requiring a 110-foot buffer.

The project also includes construction of the sewer and water main from its current location west of the Property to approximately 650 feet east along Sandy Point Road to the easterly extent of the Property, clearing, grading, excavation and construction of the following: private access road and cul-de-sac, sewer, water and other utilities down the private road, two infiltration cells, and drainage works adjacent to the private road.

This project does not include any site preparation, land alteration or vegetation/tree removal on individual lots.

As detailed in the survey prepared by TMI Survey dated June 12, 2018 proposed lot and tract sizes

are:

Lot 1 – 33,979 SF (0.8 ac)

Lot 2 – 29,912 SF (0.7ac)

Lot 3 – 68,976 SF (1.6 ac)

Lot 4 – 76,973 SF (1.8 ac)

One Native Growth Protection Tract – 139,452 sf (3.2 ac)

Location of proposal: Sandy Point Road, R32902-345-1350 & R32902-308-1550

**Project Applicant:**

Owner – Whidbey Neighborhood Partners, bfletch@whidbey.com

Agent - Larry Kwarsick, 360.661.1776, sps@whidbey.net

**SEPA Environmental Review:** City of Langley has reviewed the proposed project for probable significant environmental impacts and modifies the April 2, 2019 DNS to add conditions for a MDNS.

**Conditions**

The following conditions have been identified to mitigate the probable significant adverse environmental impacts of the proposal. Any conditions based on existing regulations in the Langley Municipal Code are not included here but shall be included in any preliminary approval issued for the short plat.

1. Total impervious surface area for the four lots proposed with this application and any subsequent subdivision shall be limited to the maximum of 50,000 SF. This condition applies to all impervious cover on individual lots including roof area, hard surface driveways, walkways or other hard surface features. This condition is required to be recorded on the face of the plat.
2. The proposed road layout shall be redesigned such that the two cedar trees shown on the tree survey prepared by TMI Surveying, August 23, 2018 are not impacted. A revised plan of the short plat subdivision is required to be submitted prior to preliminary plat approval
3. Impervious surface area for the road shall be limited to a maximum of 12,500 SF.
4. Conditions, Covenants and Restrictions prepared for use by the Homeowners Association and/or by individual lot owners and shall be recorded with the Island County Auditor and must include
  - o The handbook entitled *Living Responsibly in a Green Community*, prepared by the Whidbey Island Conservation District; and
  - o An operations and maintenance program for the storm water facilities.
5. Roadside filter strips shall be designed as bioretention swales to facilitate greater amounts of evapotranspiration and reduce the amount of infiltration. This redesign shall be provided for review prior to issuance of a fill and grading permit.
6. Runoff from proposed impervious surfaces on individual lots, for example driveways and perimeter drainage must utilize Low Impact Development best management practices (BMP) to increase evapotranspiration and reduce infiltration. This condition shall be met prior to issuance of a fill and grading permit.

- Conditions 1 through 6 are required based upon recommendations delineated in the report prepared by Aspect Consulting, October 5, 2007 and letter prepared by USGS January 31, 2006 to reduce the amount of storm drainage being infiltrated to ground.
7. Per Minimum Requirement #8 of DOE's 2014 SWMMWW the applicant shall provide confirmation that the hydrology of the wetland will not change as a result of this project. This condition shall be met prior to issuance of a fill and grading permit.
    - This condition is required based upon the report prepared by Mark Varljen, March 1, 2009 that states 'the data indicate that infiltrated precipitation will most likely discharge to the wetland and ditch on the upland (south) side of Edgecliff Road...'
  8. All of the wetland buffer shall be included into the Native Growth Protection Tract and that portion of the buffer removed from proposed lot 1. A revised plan of the short plat is required to be submitted prior to any preliminary plat approval. Following issuance of the fill and grading permit, the applicant shall submit a request to City of Langley Council asking Council to accept the Native Growth Protection Tract.
    - This condition is required as proposed lot 1 exceeds the minimum permitted lot size of 15,000 SF.
  9. The applicant has agreed that sprinklers and irrigation systems shall not be permitted. This condition is required to be recorded on the face of the plat.
    - This condition is required based upon the USGC letter of January 31, 2006 that identifies irrigation (lawn and garden watering) as one of five "sources of water than can be controlled or reduced..." and DOE's 2014 SWMMWW BMP T5.13 that includes practice "to reduce and adjust, where possible, the use of irrigation, fertilizers, herbicides and pesticides, rather than continuing to implement formerly established practices."

**Required Permits:** The following local, state and federal permits/approvals are needed for the proposed project:

- City of Langley preliminary short plat approval
- Approved ROW Access Permit from Island County, dated January 23, 2018
- Island County and City of Langley right of way and utility permits for offsite improvements and construction approval.

**Required Studies:**

- Geotechnical report prepared by HWA GeoSciences, dated March 5, 2018
- Critical Area report, prepared by ESA, dated December 2017 and revised October 2018
- Tree survey, prepared by TMI Land Surveying, dated August 23, 2018
- Preliminary Drainage Report, prepared by Davido Consulting Group, dated December 2018

**Existing Environmental Documents:**

- Letter from R. Baum USGS Geologist to Langley Mayor, January 31, 2006
- Traffic Engineering NW Traffic Impact Study, November 29, 2006
- Steward & Associates Wetland Peer Review, April 6, 2007

- Letter and Critical Areas Assessment Report, August 13, 2007
- Letter from HWA Geosciences to Davido Group, August 14, 2007
- Letter report from Aspect Consulting to City of Langley, October 5, 2007
- Letter from HWA Geosciences to Davido Group, March 20, 2008
- SCS Engineers Hydrogeologic Peer Review, March 1, 2009
- Langley Passage Drainage Report with Geotechnical Report, November 2010
- Langley Passage Water, Sewer and Drainage Plans, November 17, 2010

**Preliminary determination of the development regulations that will be used for project mitigation and consistency:**

LMC Ch. 15.01 – General Provisions

LMC Ch. 16.20.050 to 16.20.085 – Resource Lands and Environmentally Sensitive (Critical) Areas Management

LMC Ch. 17.08 – Short Plats

LMC Ch. 18.22.020 – Landscaping design and tree retention

**File Inspection:** This file is available for public inspection at the City of Langley Planning Department, 112 2<sup>nd</sup> Street, Langley WA, from 9:00 am to 5:00 pm, Monday to Thursday and 9:00 am to 1:00 pm on Fridays, excluding City holidays. Please contact the Planning Department to make an appointment to review the file.

**Appeals:** Pursuant to RCW 43.21C. and LMC 16.04.150, any person wishing to appeal this determination may file such an appeal within ten (10) days from the date the preliminary approval is issued. You should be prepared to make specific factual objections.