



112 Second Street  
P.O. Box 366  
Langley, WA 98260  
(360) 221-4246

## City of Langley

TIM CALLISON  
Mayor

Fax (360) 221-4265

### FINAL DETERMINATION OF NON-SIGNIFICANCE (DNS) Shoreline Conditional Use Permit for Wishing Whale Sculpture

**Issued** January 28, 2020

**Notice of Application**

**Optional DNS issued:** January 3, 2020

**Lead Agency:** City of Langley  
**Responsible Official:** Brigid Reynolds, Director of Community Planning  
City of Langley  
112 Second Street  
Langley, WA 98260  
(360) 221-4246 or [planning@langleywa.org](mailto:planning@langleywa.org)

**Description of the project:** To install a 750-pound bronze sculpture (12ft long x 5ft wide x 5ft tall) to be located at the southerly part of Hladkey/Whale Bell Park. The foundation is comprised of a 20 square foot, buried concrete pile cap with four 2-inch diameter pin piles and stainless-steel frame with a bronze pedestal.

**Location:** The location is the Anthes Avenue right of way that is a public park called Hladkey/Whale Bell Park and is therefore City owned. Council approved the sculpture be located in the park at its 11/1/2019 regular meeting.

**Proponent:** Langley Arts Fund

**Threshold Determination:** The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW43.21C.030(2)(c). This 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.

This determination is based on the following findings and conclusions:

- The area of disturbance is small, approximately 25 square feet
- The weight of the sculpture is less than 1,000 pounds and low compared to the soils bearing capacity.
- The maximum height of the sculpture is 6 feet and the sculptures orientation is north/south. Therefore, views will not be impacted.

- The location has been selected to avoid the underground utilities and impacting the adjacent tree.
- The geotechnical report states the soils are suitable for the proposed development and the foundation design will mitigate for any slope stability risk.
- Materials used beneath the sculpture and over the foundation shall be comprised of materials used in public parks and playgrounds.

Permit conditions include but not limited to:

- Incorporating the geotechnical report recommendations and requiring geotechnical engineer oversight during development activity
- Implementing sediment and erosion control measures and reuse of soils to the greatest amount possible
- Minimizing subgrade disturbance as much as possible

The DNS is issued under WAC 197-11-355(4)(a). There is no comment period.

**Appeals:** May be made to the City of Langley, PO Box 366, Langley, WA 98260 within ten (10) days of final approval of the application. Appeals must be submitted in writing. Contact the City of Langley about procedures for SEPA appeal.

**Date Issued:** 1/28/20                      **Signature:** 

**Note:** This SEPA determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal is required to meet all applicable regulations.