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City of Langley

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MITIGATED DETERMINATION OF NON-SIGNIFICANCE Whidbey Neighborhood Short Plat

Issued – February 21, 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

Comment due date: March 7, 2019

Agency Contact: Brigid Reynolds, planning@langleywa.org, 360.221.4246

Agency File Number: SHP-18-001

Proposal

To create a four-lot short plat and one native growth protection tract. The properties are zoned RS15000. The parent properties are two large undeveloped lots. The plat is proposed to be served by City sewer and water. Access is proposed to be a private road onto Sandy Point Road. Sewer services will be extended 650 feet down Sandy Point Road along the frontage of the subject properties. 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 to approximately 650 feet east along Sandy Point Road to the easterly extent of the subject 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 removal on individual lots.

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

Total is 4.9 ac. Based on RS15000 zoning this could result in the creation of 14 lots.

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 adverse environmental impacts and issues a Mitigated Determination of Nonsignificance (M-DNS). This determination is based on the following findings and conclusions:

- Four large lots are proposed to be created and the plat recorded at Island County.
- The density of the development is low, i.e. 4 dwelling units over 4.9 acres or 1 dwelling unit per 1.2 acres. Accessory dwelling units are permitted and if constructed would increase the overall density marginally.
- The lots will be served by City sewer and water.
- A 600-foot private road and cul-de-sac will be constructed to serve the plat and access will be onto Sandy Point Road exceeding the permitted cul-de-sac length of 400 feet as per Ch. 15.01.495.C. A 6-foot wide gravel path is required to provide dedicated pedestrian access.
- The Category III wetland and majority of the buffer will be within a Native Growth Protection Tract
- Ownership of the Native Growth Protection Tract is not yet determined.
- Approximately 9,946 SF of the wetland buffer is proposed to be located within proposed Lot 1. This is permitted as per Ch. 16.20.080 and proposed uses shall be limited to those permitted in Ch. 16.20.080.A.2 and A.3
- There is sufficient developable land within proposed Lot 1 to accommodate a single-family residence and accessory buildings.
- Permanent fencing and interpretative signage shall be constructed along the length of the wetland buffer.
- Tree removal shall be limited to the areas necessary to construct the private road and the services. Based upon the tree survey prepared by TMI Land Surveying, dated August 23, 2018 this is limited to two cedar trees. The installation of construction fencing is required to delineate the areas of non-disturbance. Any additional tree removal shall be evaluated as part of future building permit applications and requires City approval.
- Maintain native vegetation to establish a 10 foot wide vegetated screen between the subject property and Sandy Point Road. Additional planting shall be required to achieve the 10 foot wide vegetated screen and shall be delineated on the tree planting/landscaping plan. As per Ch. 17.08.115 and 18.22
- Impervious surface will be limited for both road construction and on individual lots.
- Irrigation systems will be prohibited within the subdivision.
- Drainage infrastructure includes:
 - Road side drainage swales and 5 ft compost amended vegetated filter strip on both sides of the road,
 - Two infiltration cells (1,600 cu ft in size per cell) located on either side of the cul-de-sac,
 - Roof drainage for lots 1 and 2 is by infiltration or dispersion trenches and drywells for lots 3 and 4, designed as per DOE 2014 SWMMWW, Vol 3.

- Runoff from proposed impervious surfaces on individual lots, for example driveways and perimeter drainage must utilize a best management practices (BMP) that satisfies Minimum Requirement #5 On-Site Stormwater Management and Minimum Requirement #7 Flow Control from the DOE's 2014 SWMMWW and adopted by the City.

Conditions

The following conditions have been identified to be used to mitigate the adverse environmental impacts of the proposal. As per WAC 197-11-660 and RCW 43.21C.060 Additional conditions may be required as additional details are provided. This may trigger an addendum to this SEPA determination.

General:

- Impervious surface area for each lot shall be limited to the maximum of 5,500 000 SF per lot. This is the maximum lot coverage permitted for lots 15,000 SF in area, the minimum permitted lot size in the RS15000 zone district.
- Runoff from proposed impervious surfaces on individual lots, for example driveways and perimeter drainage must utilize a best management practices (BMP) that satisfies Minimum Requirement #5 On-Site Stormwater Management and Minimum Requirement #7 Flow Control from the DOE's 2014 SWMMWW
- Impervious surface area for the road shall be limited to a maximum of 4% of the subject property.
- Tree removal is limited to that necessary to construct the road which according to the tree survey are two cedar trees.
- There shall be no direct or indirect discharge of stormwater through a conveyance system into the wetland.
- Relevant best management practices for construction as detailed in the Preliminary Drainage Report, prepared by Davido Consulting Group, dated December 2018 shall be incorporated.

Prior to issuing construction approval:

- High visibility fencing shall be installed as located on the attached plan to limit the area of disturbance during construction as per Ch. 15.01.730.E. Fencing design and installation shall be consistent with DOE's 2014 SWMMWW
- Sediment and erosion control plan shall be prepared and approved.
- A tree planting/landscaping plan shall be prepared and approved. Plantings shall be completed prior to final approval or bonding shall be secured.
- Confirmation of emergency overflow system for the retention/detention facilities as per Ch. 15.01.445.C.

Prior to issuing final approval:

- Dedication of the wetland tract to the City or a third party with conservation objectives.
- Permanent fencing shall be installed to delineate the wetland buffer. Fence design shall be reviewed and approved by the City.
- A native growth protection easement shall be registered over that portion of the wetland buffer on proposed Lot 1 and 2.

- Establish a vegetated buffer adjacent to Sandy Point Road approximately 10 ft wide
- Provide an operation and maintenance program for the storm water facilities to the City. An O&M agreement between the homeowners and City is required as per Ch. 15.01.450 that states that the facilities will be inspected, with notice, by the city and paid for by the homeowners association. The facility shall be located in a separate tract or easement dedicated to the homeowners association.
- Conditions, Covenants and Restrictions prepared for use by the Homeowners Association and/or by individual lot owners and recorded with the Island County Auditor must include
 - Adopting of the handbook entitled *Living Responsibly in a Green Community*, prepared by the Whidbey Island Conservation District.
 - Prohibiting irrigation systems
 - Adopting an operations and maintenance program for the storm water facilities.
 - Restricting impervious area on individual lots to 5,500 SF.
- Construct a 6-foot wide gravel path adjacent to the private road for pedestrian access.
- Bonds or other securities may be required to guarantee the performance or maintenance of the required work as per LMC15.01.075

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 staff, 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

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts.

Public Comment – There is a 14-day comment period on this project. Agencies, tribes and the public are encouraged to review and comment on the proposed project and its probable environmental impacts.

Written comments may be submitted to Brigid Reynolds, City of Langley Community Planning, 112 2nd Street, Langley WA, 98260, email: planning@langleywa.org, ph: 360.221.4246.

Comments must be received by 5:00 pm, March 7, 2019

File Inspection: This file is available for public inspection at the City of Langley Planning Department, 112 2nd 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.