A. Background

1. Name of proposed project, if applicable:

To amend Chapter 18 of the Langley Municipal Code, specifically to amend chapter 18.01 relating to definitions, amend chapter 18.09 relating to allowed land uses, and to amend chapter 18.22 to establish consistent regulations between the different types short-term rentals; and to amend Title 5 by adding a new chapter 5.40 to establish a new ‘limited’ class of short term rentals.

2. Name of applicant:

City of Langley, WA

3. Address and phone number of applicant and contact person:

Brigid Reynolds, Director of Community Planning
360.221.4219
planning@langleywa.org

4. Date checklist prepared:

May 15, 2019

5. Agency requesting checklist:

City of Langley, WA

6. Proposed timing or schedule (including phasing, if applicable):

Adoption by these code amendments is projected for July 2019.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No applications are pending governmental approval.

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposed code amendments are subject to review and comment by State agencies and neighboring jurisdictions and subject to review and approval by the Langley City Council.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposed code amendments are intended to regulate the growing number of short term rentals in the City. The current code is out of date and has created confusion as to what is considered a short term rental and what is not. This code will removed this confusion. The code also proposes to create a new ‘limited’ class of short term rental that is a license and not a permit. This will apply to whole home short term rentals. The proposed amendments are based on a review by City Staff, Planning Advisory Board and City Council, as well as one community meeting.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [ 

These code amendments will apply to all land within City limits.

B. ENVIRONMENTAL ELEMENTS

1. Earth
   a. General description of the site:

   The City of Langley is characterized by a gentle landscape with steep bluffs overlooking Saratoga Passage.

   (circle one): Flat, rolling, hilly, steep slopes, mountainous, other  

   [Answer: hilly]
b. What is the steepest slope on the site (approximate percent slope)?

The steepest slopes within the City of Langley are bluff properties overlooking Saratoga Passage and these range from 15 to 45%.

Any development proposal on properties with steep slopes are subject to further review pursuant to Ch. 16 (Critical Areas) of the LMC and/or the Shoreline Master Plan.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

There is no agricultural land of long term commercial significance in the City.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

This non-project action will not give cause to additional ground disturbance.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

This non-project action will not directly give cause to additional clearing, construction or other activities that might cause erosion. Erosion control for ground disturbing activities associated with construction in all zones will be regulated consistent with City of Langley regulations.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This non project action will not directly cause increased impervious surface. Construction activities in all zones may increase impervious surfaces but must comply with City of Langley regulations regarding the extent of impervious surface per lot, low impact development and stormwater management.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not required by the non-project action. Development in all zones must comply with City of Langley regulations regarding clearing, grading and stormwater management.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
No emissions will result from this non-project action. Some emissions may be expected during
development activities from equipment and land clearing and City of Langley regulations will mitigate
any potential impacts from emissions.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so,
generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not required by this non-project action. All development and construction activities are subject to the
City of Langley regulations that will reduce or control emissions.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including
year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe
type and provide names. If appropriate, state what stream or river it flows into.

There are three streams (Brookhaven, Saratoga and Noble Creeks) within the City limits, all draining to
the Puget Sound. There are many small wetlands scattered throughout the City.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described
waters? If yes, please describe and attach available plans.

This is a non-project action and does not require any work within critical areas or their buffers.
Development and construction activies in all zones are subject to City of Langley regulations for critical
areas and shoreline management.

3) Estimate the amount of fill and dredge material that would be placed in or removed
from surface water or wetlands and indicate the area of the site that would be affected.
Indicate the source of fill material.

This is a non-project action and will not result in any fill or dredge material from surface water or
wetlands. Development and construction activies in all zones are subject to City of Langley regulations
for critical areas and shoreline management.

4) Will the proposal require surface water withdrawals or diversions? Give general
description, purpose, and approximate quantities if known.

This is a non-project action and will not result in any surface water withdrawals or diversions.
Development and construction activies in all zones are subject to City of Langley regulations for critical
areas and shoreline management.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

According to the NFIP FIRM maps some low lying properties along the shoreline are within the 100-year
floodplain.
Development and construction activities in all zones are subject to City of Langley regulations for critical areas and shoreline management.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

This non-project action will not result in any discharges of waste materials to surface waters.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Properties within the City are required to be connected to the City water system. All new development within the City is required to infiltrate stormwater in accordance with the 2012 Department of Ecology Stormwater Manual for Western Washington.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This is non-project action and will not result in any discharges to the ground from other sources.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Any runoff generated as a result of the future development of any property is subject to additional environmental and development review and shall conform to all applicable City development regulations.

2) Could waste materials enter ground or surface waters? If so, generally describe.

No waste materials would result from this non-project action. All new development in the City is subject to the relevant regulations that would prevent waste materials entering ground or surface waters.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

This non-project action will not alter or affect drainage patterns. Grading and drainage for new development is subject to additional environmental and development review and shall conform to all applicable City development regulations.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage
pattern impacts, if any:

This is non-project action and all future development is required to comply with the City’s surface water BMPs as detailed in Ch. 15.01

4. Plants
   a. Check the types of vegetation found on the site:
      _X_ deciduous tree: alder, maple, aspen, other
      _X_ evergreen tree: fir, cedar, pine, other
      ___ shrubs
      ___ grass
      ___ pasture
      ___ crop or grain
      ___ Orchards, vineyards or other permanent crops.
      _X_ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
      _X_ water plants: water lily, eelgrass, milfoil, other
      ___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

There is no specific development proposal and any proposal is subject to additional environmental and development review and shall conform to all applicable City development regulations

c. List threatened and endangered species known to be on or near the site.

No known threatened or endangered plant species within the City.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

This is a non-project action and does not apply.

e. List all noxious weeds and invasive species known to be on or near the site.

Himalyan blackberries, English Ivy, Tansy Ragwort, are in evidence in the City. Others may be present.

5. Animals
   a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site

   Birds: songbirds, hawks, eagles, blue heron, seagulls, crows, owls, ducks and other waterfowl
   Mammals: deer, racoons, gray whales, bats
   Fish: salmon, shellfish, ghost shrimp
b. List any threatened and endangered species known to be on or near the site.

None.

c. Is the site part of a migration route? If so, explain.
Gray Whales migrate between Whidbey and Camano Islands in Saratoga Passage.
The City is also located along the Pacific Flyway, migratory bird route.

d. Proposed measures to preserve or enhance wildlife, if any:

This is a non-project action and does not amend any regulations regarding habitat.

e. List any invasive animal species known to be on or near the site.

Feral rabbits and cats.

6. **Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project’s energy needs? Describe whether it will be used for heating, manufacturing, etc.

This is a non-project action and will not utilize energy or natural resources.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

This is a non-project action and will not utilize solar energy.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None needed for this non-project action.

7. **Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not as a result of this non-project action.

1) Describe any known or possible contamination at the site from present or past uses. Unknown.

2) Describe existing hazardous chemicals/conditions that might affect project development
and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Unknown

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project’s development or construction, or at any time during the operating life of the project. No toxic or hazardous chemicals will be stored, altered, or produced by this non-project action.

4) Describe special emergency services that might be required.

This non-project action will not require special emergency services.

5) Proposed measures to reduce or control environmental health hazards, if any:

None needed.

b. Noise
   1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not relevant to this non-project action.

    2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not relevant for this non-project action. Any noise related to future construction would be limited by LMC noise code.

    3) Proposed measures to reduce or control noise impacts, if any:

City of Langley Noise Regulations.

8. Land and Shoreline Use
a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Land uses within Langley include commercial, residential, and public uses.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?
There is no agriculturally zoned property or resource lands in the City.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No

c. Describe any structures on the site.

Structures in the City include those associated with residential, commercial and public uses.

d. Will any structures be demolished? If so, what?

This non-project action will not demolish any structures.

e. What is the current zoning classification of the site?

There are four residential zones, two commercial zones and one public use zone in the City.

f. What is the current comprehensive plan designation of the site?

Land use designations in the City are residential, commercial and public.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable to this non-project action.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

There are designated critical areas in the City, including geologically hazardous areas, streams and wetlands, frequently flooded areas, and aquifer recharge areas. Any future proposed development resulting from this non-project action will be subject to the relevant codes.

i. Approximately how many people would reside or work in the completed project?

The City population is 1175.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.
1. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Amendments to the Municipal Cde must be consistent with the goals and policies of the Comprehensive Plan as well as the GMA.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:
The City of Langley UGA was determined in coordination with Island County.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This project action will not result in the direct provision of housing but by establishing the ‘limited’ class of short term rentals will maintain the numbers of whole units from being converted from residential use to short term rental use.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No additional housing units will be eliminated as a result of this non-project action.

c. Proposed measures to reduce or control housing impacts, if any:

None needed.

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No additional structures are anticipated as a result of this non-project action. All development in Langley is subject to the relevant City regulations including dimensional standards, as well as other permit conditions that mitigate aesthetic impacts, if any.

b. What views in the immediate vicinity would be altered or obstructed?

This non-project action will not impact views.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable for this non-project action.

11. Light and Glare
a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action will not result in additional lighting or glare.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This is a non-project action and does not permit any development project.

c. What existing off-site sources of light or glare may affect your proposal?

Unknown.

d. Proposed measures to reduce or control light and glare impacts, if any:

None needed.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

There are City parks and trails located within the City.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Not as part of this non-project action.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

There are several listed sites and several site that could qualify for listing but these will not be impacted by this non-project action.
c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable.

14. Transportation
a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

There is no change to streets within the City as a result of this non-project action.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The City is served by public transit but this service is unaffected by this non-project action.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

There are no additional parking stalls proposed as a result of this non-project action.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

There is no rail or air transportation facilities in the City. Marine transportation will not be impacted by this non-project action.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?
This non-project action will not create any additional vehicular trips.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

h. Proposed measures to reduce or control transportation impacts, if any:

This non-project action will not result in transportation impacts.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

This non-project action will not increase the need for public services.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable.

16. Utilities

a. Utilities currently available in the City

   electricity, water, garbage and recycling, telephone, sanitary sewer, septic system, stormwater

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

There are no utilities proposed as a result of this non-project action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: [Signature]

Name of signee: [Name]

Position and Agency/Organization: [Position]

Date Submitted: [Date]
D. supplemental sheet for nonproject actions

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The non-project action is not likely to affect any of the above.

Proposed measures to avoid or reduce such increases are:

Relevant local, state and federal regulations regarding hazardous substances, air and water pollution.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This non-project action will not affect any of the above.

Proposed measures to protect or conserve plants, animals, fish or marine life are:

This non-project action will not affect plants, animals, fish, etc.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to affect any of the above.

Proposed measures to protect or conserve energy and natural resources?

None needed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This non-project action will not affect sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Critical Area ordinance and shoreline master plan.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not likely to affect any of the above.
6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is not likely to affect any of the above.

Proposed measures to reduce or respond to such demand(s) are:

Future development will be subject to relevant facilities charges.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will not conflict with any local, state, or federal laws or requirements for environmental protection.