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16I.10 PURPOSE

The purpose of this chapter is to establish standard procedures for land use permit applications, amendments to development regulations, public notice, hearings and appeals in the City of Langley.

16I.20 DEFINITIONS AND INTERPRETATIONS

16I.20.010 Rules for interpretation. (Inserted from 18.01.030)

- A. For the purposes of this title, all words used shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The word "used" includes designed, intended or arranged to be used.
- G. The masculine gender includes the feminine and vice versa.
- H. Distances shall be measured horizontally unless otherwise specified.
- I. The word "building" includes a portion of a building or a portion of the lot on which it stands. (Ord. 527, 1989)

16I.20.020 Definitions (Compiled from the Various Definition Sections with Some New Classifications Added)

The following definitions shall apply throughout this chapter:

"Abutting" or "adjacent" (NEW) means parcels or buildings that share a common boundary of at least one point. Where this applies to notice for an application, abutting or adjacent shall also include any properties directly across a right-of-way from the property.

"Accessory dwelling unit" means a room or set of rooms either in a single family residence or a separate building on the same lot as a single family residence that has been designed or configured to be used as a separate dwelling unit. The accessory dwelling unit generally includes living, sleeping, kitchen and bathroom facilities and has a lockable entrance door.

"Accessory structure" means a building which is subordinate to the principal building, and is incidental to the use of the principal building on the same lot. Examples include sheds, shops, garages, greenhouses and barns. (MOVED FROM ACCESSORY BUILDING TO MATCH ACCESSORY STRUCTURE, ATTACHED)

"Accessory structure, attached" means those structures that are directly connected to the principal building and share a warm wall with the principal building. (MOVED FROM EXISTING FLOOR AREA)

"Accessory use" means a use incidental and subordinate to the principal use on the same lot.

"Adult Family Home" means a regular family abode of a person or persons who are providing personal care, room, and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications set forth in Chapter 16E of this code. (CHANGED CODE CITATION)

"Aggrieved party" means the person appealing a decision of the city, who shows that he may suffer specific injury and/or that the interests claimed are those intended to be protected by this chapter.

"Alley" means a public or private thoroughfare or way which affords means of access to abutting property but is not intended for general traffic circulation.

"Alteration" means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or moving from one location to another. In buildings for business, commercial, industrial or similar uses, the

installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

"Alteration of a wetland or stream" means the placement or erection of any solid material or structure; the discharge or disposal of any dredge material or waste, including filling, grading, channelization, removing, dredging, draining, extraction of any materials; the discharge or disposal of any dredge material or waste, including filling, grading; the removal or harvesting of trees or other vegetation; or the modification for use as a storm water retention/ detention facility.
(REMOVED S FROM ALTERATIONS)

"Amendment" means a change in the wording, context or substance of this title or a change in the zone boundaries upon the zoning maps adopted hereunder.

"Anadromous fish" means those species that migrate up rivers from salt water to spawn in fresh water.

"Applicant" **(NEW)** means a person submitting an application for development.

"Artificial Wetlands" means a wetland or surface water system that was intentionally created from a non-wetland site through human activity and for a specific purpose. This includes storm water detention ponds, bioswales, irrigation canals, wastewater treatment ponds, landscape amenities, stock ponds, and similar areas. Artificial wetlands or surface water systems do not include wetlands created as compensation for development impacts or wetlands that have inadvertently become established as a result of changing environmental conditions or land use.

"Assessor's parcel" means a segregation of land established by the county assessor and assigned numbers for assessment purposes only. This segregation does not necessarily identify or establish legally divided parcels for purposes of development, sale, lease, transfer, gift, or other conveyance.

"Banner" means a piece of manmade or natural cloth or fabric displaying a distinctive noncommercial design, attached by one or more edges to a pole or staff or other device intended for such display.

"Base Flood" means a flood having a one percent chance of being equaled or exceeded in any given year. It is referred to as the "one hundred year flood."

"Bed and breakfast inn" means a building or group of buildings on a lot which is designed or used for rental for transient lodging, where:

- A. Not more than six rooms are available for such rental;
- B. Breakfast is the only meal served to persons renting such rooms, and no meals are served to members of the general public;
- C. In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and
- D. No room is rented to more than two persons.

"Bed and breakfast room (residential)" means a room used for rental to not more than two persons for transient lodging situated in a building which is used primarily as the dwelling for a non-transient family, or, in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

- A. The persons renting such room are only served breakfast, and no meals are served to members of the general public; and
- B. No other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title.
- C. If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

"Bed and breakfast room (commercial)" means a room used for rental to not more than two persons for transient lodging situated in a building which is used primarily as a commercial establishment, where:

- A. The persons renting such room are only served breakfast, and no meals are served to members of the general public; and

B. The room(s) are located above the first or street level or behind the street front side of the building.

"Best management practices" means conservation practices and management measures identified by the Soil Conservation Service, Whidbey Island Conservation District or State Extension Offices that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins and sediment; and (2) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to chemical, physical, and biological characteristics of wetlands and streams.

"Billboards" means outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity of the property on which the sign is located. A directional or locator sign shall not be considered a billboard.

"Boardinghouse" means a dwelling unit in which not more than four roomers, lodgers or boarders are housed or fed for compensation. "Boardinghouse" does not include rest home or convalescent home.

"Building" (NEW) means any structure used or intended for supporting or sheltering any use or occupancy. (FROM IBC TO REPLACE EXISTING)

"Building area" or "building site" means the portion of a lot, within which a structure may be built, bounded by setbacks.

"Building height" means the vertical distance measured from the grade plane to the highest point of the roof (~~see exemptions in definition of "Grade" below~~). The following items are exempt when making height determinations:

A. Radio and television aerials and flagpoles;

B. ~~Other Features~~. Open rails, planters, skylights and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof.

C. Wireless Communication Antenna Arrays may extend up to a height of fifteen (15) feet from the highest point of the roof. (ADDED WORD PLANE TO DEFINITION. REMOVED SOME WORDS TO CONFORM WITH REST OF DEFINITIONS...ADDED EXEMPTIONS DEFINED IN GRADE TO DEFINITION)

"Building, principal or main" means the building which accommodates the principal use of a site or lot.

"Campground" means an area of land on which accommodation for temporary occupancies such as tents or recreational vehicles are permitted and which is used primarily for recreational purposes.

"Captain's home" (NEW) means a multifamily dwelling that contains three to five units that is designed to look like a detached dwelling. Captain's homes have a single shared entry for the units, though individual units may have secondary entrances, a shared front porch, and a common front yard.

"Carport" means a covered space for the housing, primarily, of motor vehicles and enclosed on not more than two sides by wall, screens, cabinets or other types of enclosures.

"Church" (NEW) See religious facility.

"Circus" means a public entertainment event consisting typically of a variety of performances by acrobats, clowns, and trained animals, which may also include amusement rides and carnival attractions"

"City council" means the legislative authority of the city of Langley, Washington.

"Closed record hearing" means a hearing on the existing record. No new evidence may be presented at the hearing.

"Commercial" means a business use of activity at a scale greater than home occupation involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

"Complete application" (NEW) means a development application which meets the procedural submission requirements of the City and is sufficient for continued processing even though additional information may be required or project modifications may subsequently occur. To be

complete, an application must include all required information, elements, attachments and supplemental studies or reports as set forth in the applicable section of the Langley Municipal Code, including any environmental checklist required by LMC 16H.20. An application that includes such information which does not conform or is inconsistent with such regulations and standards shall nonetheless be deemed complete.

"Comprehensive plan" means the goals, objectives, policies, documents and maps adopted by the city council to guide the physical development of the city, to coordinate city programs, services and controls, to promote the general welfare, and to protect the environment of the city.

"Concurrent with the development" (NEW) means that the required improvements or strategies for improvements are in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six (6) years of approval of the development.

"Conditional use" means a use allowed in one or more zones which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements is vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of RCW Chapter 64.34.

"Conference Center" means a facility accommodating groups of persons for short periods for the purposes of seminars, workshops and related activities. No overnight accommodations are provided.

"Conservation easement" means a legal agreement a property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

"Consistency" (NEW) means performance in accordance with and complying and conforming with state law, the Langley Comprehensive Plan, the Langley Municipal Code, and other relevant laws.

"Contiguous property" means properties adjoining with a common boundary line, including a public right of way. To qualify as contiguous, the common property line must measure at least sixty (60) feet in a single direction.

"Cottage housing" means a development comprised of at least four (4) cottages (single family dwelling units) arranged on at least two sides of a common open space with a maximum of twelve (12) cottages per development.

"Coverage" means the total area of ground covered by all buildings or structures on a site measured from the outside of external walls or supporting members.

"Cul-de-sac" (NEW) means a residential street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

"Day" (NEW) is defined as a calendar day. Days shall be measured successively and, should the end of a specified time period fall on a weekend or holiday, the end of the next successive business day shall be considered to be the effective end date.

"Day care center" means a single purpose group child day care program, including nurseries for children of working parents, guardians and custodians; nursery schools for children under minimum age for education in public schools; privately conducted kindergartens when not a part of a public or parochial school; and programs covering after school care for school children

provided any such "day care center" is licensed by the state or county and conducted in accordance with state and local requirements.

“Dedication” means the deliberate conveyance of land by an owner for any general and public uses, reserving to him or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been dedicated.

“Density” means the maximum number of permitted dwelling units allowed on each acre of land or fraction thereof.

“Design review standards” ^(NEW) means the guidelines used by the Design Review Board in conducting the design review responsibilities established in this title.

“Detached building” means a building surrounded on all sides by open space.

“Development” ^(NEW) means any human made change to improved or unimproved real estate including but not limited to: excavation, grading, landfill, drainage, removal of vegetation, or disturbance of land or water; subdivision or short subdivision of land; or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure. Development for the purpose of Design Review means any improvement specified above that is open to exterior view including, but not limited to, buildings, structures, fixtures, landscaping, site screening, parking lots, lighting, pedestrian facilities, street furniture and improvements (not to include street maintenance), use of open areas, whether all or any are publicly or privately sponsored, and signs. "Development" does not include underground utilities. All development by the city and other public agencies shall be subject to design review. (Ord. 733, 1997; Ord. 696, 1995; Ord. 788, 2000)(Ord. 820, 2002)

“Development, multifamily” means a development of three or more dwellings on the same property and designated for occupancy by three or more families living independently of each other in separate dwelling units.

“Directional or Locator Sign” means a sign erected on public property or of a public or quasi-public nature containing a map, directions and other information intended to direct pedestrians to services businesses and public facilities.

“Display surface” means that part of a sign structure used to display an integrated advertising message.

“Dwelling” means a building designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings.

“Dwelling, Multifamily” means a detached building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.

“Dwelling, One-family (attached)” means a building design for occupancy by one family on an individually owned lot where the building abuts one or more lot lines and shares a common wall with an adjoining dwelling unit. Also known as a “townhouse.”

“Dwelling, One-family (detached)” means a building designed for occupancy by one family, providing complete housekeeping facilities for one family and containing one dwelling unit. A manufactured home may be considered a one-family dwelling if sited per the Manufactured Home Siting Standards articulated in 16E.20.030. ^{(REFORMATED TO MAKE CONSISTENT WITH REST OF DOCUMENT. ADDED CODE CITATION) OR OTHER EXISTING DEFINITION} Also known as a “detached dwelling.”

“Dwelling, One-family (small detached)” ^(NEW) means a one-family detached dwelling that is less than 1200 square feet. Also know as a “detached small dwelling.”

“Dwelling, semi-detached” means a building, designed for occupancy by two families living independently of each other and containing two dwelling units. ^(REFORMATED TO MAKE CONSISTENT) Also known as a duplex.

“Dwelling unit” ^(NEW) means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ^{FROM IBC TO REPLACE EXISTING}

“Easement” means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. ^{FROM SHORT PLAT (REMOVED ADMINISTRATIVE DEFINITION)}

“Essential public facilities” means airports, sewage treatment plants, jails, and power plants.

“Façade” means any exterior wall of a structure including projections from and attachments to the wall (examples: decks, balconies, porches and chimneys).

“Fairgrounds Operations” means the permitted and customary conditions and activities that are in place or that occur in connection with approved land uses and operations at the Island County Fairgrounds.

“Fairgrounds Vicinity” means all properties within the City of Langley.

“Family” means an individual or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities.

“Fence” means a masonry wall, or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separate parcels of land, but not including retaining walls.

“Flood hazard areas” means those areas subject to inundation by the "base flood" as identified in the Federal Emergency Management Agency’s flood insurance rate maps (“FIRMs”) prepared for the National Flood Insurance Program. Copies of the City of Langley FIRMs may be reviewed at City Hall. A flood hazard area consists of ~~the following components~~ a floodplain, flood fringe and floodway. **CHANGED LANGUAGE AND FORMAT**

“Floodplain” means the total area subject to inundation by the base flood.

“Flood fringe” means that portion of the floodplain outside of the floodway which is covered by flood waters during the base flood.

“Floodway” means the channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flow without any measurable in-crease in flood heights.

“Floor area” means the total number of square feet of habitable floor area measured at the floor line of each floor. The floor area of a single family or two family dwelling shall include:

- a. The principal building, including attached accessory structures, used as or convertible to habitable space. Detached accessory structures are not included in the floor area.
- b. One-half of the total area of a daylight basement.

“Floor area, habitable” means, for the purposes of floor area calculations, the gross building square footage, less the floor area dedicated to walls, stairways, bathrooms. **RENAMED AND MOVED FROM FLOOR AREA C. ALSO REMOVED WORD SHALL AND PARENTHESES**

“Floor area limit” is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. **MOVED FROM ZONE SECTIONS**

“Foster home” means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three unrelated juveniles.

“Garage” means an accessory building or space within the principal building used for storage of vehicles.

“Garage, parking or commercial” means a building used for storage, repair or servicing of motor vehicles as a commercial use.

“Grade plane” **NEW MODIFIED FROM IBC** means a reference plane representing the average of existing or finished ground level, whichever is lower, adjoining the building at the exterior walls.

“Guest houses” means an accessory, detached building designed exclusively for residential purposes and without any cooking facilities; situated on the same parcel as a one-family dwelling; for the use of visitors as nonpaying guests of the one-family dwelling; which cannot be segregated or separately leased, rented, sold or transferred, given or otherwise conveyed unless the parcel is of sufficient size to meet density, platting and other city code requirements for a separate legal lot; of not more than eight hundred square feet; which provides one parking space in addition to those required for a one-family dwelling; and there shall be no more than one guest house per parcel or lot.

“Habitat for a protected species” means the site where a protected species of flora or fauna lives and grows, including habitats for species subject to the International Migratory Bird Treaty and regionally rare habitats which are irreplaceable or highly sensitive to alteration. As used in this chapter, habitat is limited to areas which are critical to breeding, rearing and nesting. This chapter shall contain a list of protected habitats which shall be revised as new habitats warranting protection are recognized.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010 (15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010 (17), or its successor.

“Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC or its successor.

“Hazardous waste treatment” means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as required by the State Dangerous Waste Regulations, Chapter 173-303 WAC or its successor.

“Hazardous waste treatment storage facility, onsite” means treatment and storage facilities which treat and store hazardous wastes generated on the same property.

“Hearing body” means any agency of the city that has been designated by this code to conduct hearings.

“Hedge” means a fence or boundary formed by a dense row of shrubs or low trees.

“Historic building” **(NEW)** means a building that is listed in or eligible for listing in the National Register of Historic Places, or designated as historic by the Langley Historic Preservation Commission.

“Home day care” means a dwelling which provides regular custodial care for one to six children or adults, including all children under six years of age residing within the dwelling where day care services are conducted, for periods of less than twenty-four hours.

“Home occupation” **(ALTERED)** means an economic enterprise operated within a dwelling unit, or buildings accessory to a dwelling unit, that is incidental and secondary to the residential use of the dwelling unit. the occupation is carried on by a member of the family residing within the dwelling place, and does not change the character of the dwelling.

“Hospital” means a building designed and used for medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses.

“Hotel” means any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.

“Hydrophytic vegetation” means plant life growing in water or in a substrate that is at least periodically deficient in oxygen as a result of excessive water content. (For one reference source see Wetland Plants of the Pacific Northwest, September 1984, U.S. Corps of Engineers) The presence of hydrophytic vegetation shall be determined following the methods described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Impervious surface” means surfaces that do not absorb water. Examples of such surfaces include buildings and parking areas, roads, sidewalks or driveways of concrete or asphalt.

“In-home family day care” means a residential dwelling providing in-home care for twelve or fewer children and licensed by the State of Washington.

“Institution” means structure(s) and related grounds used by organizations providing educational, medical, social, cultural and recreational services to the community, such as hospitals, vocational or fine arts schools, colleges and Universities, elementary and secondary schools, community centers, religious facilities, museums and performing arts centers.

“Land use action” **(NEW)** means any development to which the provisions of Title 16 LMC apply.

“Land use approval” (NEW) means a written approval or permit issued by the planning official, city council, or other decision-making body finding that a proposed project is consistent with applicable plans, regulations and standards and authorizing the recipient to make use of property in a certain manner. Land use approval does not directly authorize construction or improvements to real estate, but is a necessary and required precursor to authorization of such construction or improvement. Land use approval includes, but is not limited to, applications for review and approval of preliminary or final subdivisions, short plats, binding site plans, conditional use permits, variances, shoreline development permits, and other such reviews pertaining to land use.

“Level of service standards” (NEW) means an established minimum capacity of capital facilities or services provided by capital facilities that must be provided per unit of demand or other appropriate measure or need. (SECOND SENTENCE OF CP DEFINITION)

“Lot” means a legally recorded parcel of land, the boundaries of which are recorded on a deed. (NEW, FROM IBC)

“Lot coverage” means any surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil including, but not limited to roof tops, paved areas, swimming pools, and decks.

“Lot coverage, maximum” (MOVED FROM 18.07.080) means the maximum percentage of surface (exclusive of sensitive areas and submerged lands, but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils.

“Lot line” means any line enclosing the lot area.

“Lot line, rear” means the lot line which is opposite and most distant from the street lot line; provided, however, that where, under this definition, a particular parcel or lot would have more than one rear lot line, the city building official shall determine which lot line shall be considered as the rear lot line for purposes of this title. (MOVED TO MAKE ALPHABETICAL AND REFORMATED TO MAKE COMPLETE SENTENCE)

“Lot line, side” means any lot line that is not a street or rear lot line. (REFORMATED TO MAKE COMPLETE SENTENCE AND MAKE CONSISTENT)

“Lot line, street” means any lot line that abuts a street. (REFORMATED TO MAKE COMPLETE SENTENCE)

“Lot, through” means a lot fronting on two streets that is not a corner lot.

“Lot width” means the distance between the side lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

“Low impact development (LID)” (NEW) means a stormwater management approach modeled after nature. LID’s goal is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. LID uses stormwater features located at the lot level including but not limited to: bioretention cells/rain gardens, amended soil in landscape areas, green roofs, dispersion of runoff, infiltration, pervious pavement, limits on impervious surfaces and site design that maximizes retention of vegetation and runoff control within the site.

“Manufacturing” (NEW) means an industrial or manufacturing activity which is engaged in the production of articles or a product from raw or prepared materials by giving them new forms and qualities.

“Manufactured home” means a structure, transportable in one or more sections from its manufacturer, retailer or wholesaler, to its destination, designed primarily for residential occupancy by human beings, and built to Uniform Building Code standards.

~~Manufactured Home Siting Standards. A manufactured home may be allowed to be placed within any residential zone, that allows single family homes, provided the following conditions are met:~~

- ~~— A. The home must be placed on a permanent foundation;~~
- ~~— B. If applicable, skirting must be provided;~~

~~C. The home shall have a pitched roof and shall be made of either composition, shakes or shingles;~~

~~D. All requirements of this title and other applicable regulations must be met.~~ (MOVED TO SPECIFIC USE STANDARD SECTION)

“Marquee” means a permanent covering structure projecting horizontally from and attached to a building, affording protection from the elements, including, but not limited to, cloth awnings and mansard roofs.

“Medical-dental clinic” means an establishment for treatment of outpatients, and providing no overnight care for patients.

“Mixed use” means a development involving a combination of uses including residential and commercial. Typically, a mixed use project may have commercial uses at street level with residential uses in the second floor.

“Mobile home” means a vehicle bearing the "mobile home" insignia of the Washington State Department of Labor and Industries.

“Modulation” means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls.

“Motel” means a building containing units which are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers. Accommodations for trailers are not included.

“Native wetland species” means wetland species which are indigenous to Island County and western Washington. Such species are identified in Flora of the Pacific Northwest (C. Leo Hitchcock and Arthur Cronquist, University of Washington Press).

“Nonconforming lot” means a lawfully established lot which does not conform to the provisions of this title.

“Nonconforming structure” means a lawfully erected structure which does not conform to the provisions of this title.

“Nonconforming use” means a lawfully established use which does not conform to the provisions of this title.

“Non-native wetland species” means wetland species which have been accidentally or purposefully introduced into Island County.

“Non-wetlands” include uplands and lowland areas that are neither deepwater aquatic habitats, wetlands, nor other special aquatic sites. They are seldom or never inundated, or are infrequently inundated, they have saturated soils for only brief periods during the growing season, and, if vegetated, they normally support a prevalence of vegetation typically adapted for life only in aerobic soil conditions.

“Nuisance” means activities that are defined by Chapter 7.48 RCW. (Ord. 894A, 2007)

“Nursing or convalescent facility” means a facility licensed by the state which provides full time special care and supervision, including nursing, dietary and other personal services for chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services which are customarily provided in hospitals.

“Nursery” (NEW) means an area where plants are grown for transplanting, for use as stocks for budding or grafting, or for sale.

“Office” (NEW TO REPLACE EXISTING) means a building or portion of a building designed to be used for the purpose of providing services rather than the production, distribution and/or retail sales of goods or commodities. The services provided are generally professional, educational, administrative, financial or governmental in nature. This definition includes welfare, charitable or business services.

“One ownership” means and applies to any unit, tract or parcel of land sought to be subdivided by the owner, together with any contiguous property in which the owner held an owner's interest.

“On-site hazardous waste treatment and storage facility” **NEW** means a facility subject to 173-303 WAC that treats or stores hazardous wastes generated on the same property.

“Open space” **NEW PORTION** for the purposes of Chapter 16G includes hazardous and environmental critical areas, such as steep slopes and wetlands; wildlife habitat and corridors; agricultural lands; forested areas, shorelines, and trails; and aesthetic value lands, such as scenic corridors and viewsheds. For the remainder of the code, open space means any part of a lot unobstructed by structures from the ground upward.

“Outside display”

“Outside storage” **NEW** means items including garbage cans, firewood, construction materials, fuel, tanks or any other materials not permanently affixed to the ground or building.

“Overlay district” **(NEW)** means a geographic area that constitutes a mapped district that is superimposed over one or more underlying zones or areas and which imposes requirements in addition to those required by the underlying zones.

“Owner” means any person or persons having property rights or interests, regardless of whether they may be legal or equitable in character, such as a fee owner, contract purchaser or seller, mortgagor or mortgagee, optionor or optionee, and beneficiary or grantor of a trust or deed of trust.

“Parking facility” means a land area or building used for the storage of vehicles excluding parking areas for single-family residences.

“Parking space” means an area accessible to vehicles and used exclusively or principally for vehicle storage.

“Party of record” means any person who has submitted oral or written comments on a permit subject to the regulations of this chapter.

“Permit” **(NEW)** means an official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

“Person” means any individual, corporation, association, firm, partnership, or business, singular or plural. **(FROM SIGN CODE REMOVED SHORT PLAT AND EXISTING DEFINITIONS)**

“Personal service” means businesses engaged in providing care of the corporeal person or his apparel, not including health care.

“Planning officer” or “planning official” means the city official responsible for administration and interpretation of this code. **(CHANGED FROM PLANNER)**

“Plat” **(NEW)** means a map or representation of a subdivision **or binding site plan?**, showing thereon the division for a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

“Plat, final” **(NEW)** means a map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

“Plat, preliminary” **(NEW)** means an accurate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, tracts, and other elements of a subdivision consistent with the requirements of the Code.

“Plat, short” **(NEW)** means a map or representation of a short subdivision. **TO REPLACE EXISTING**

“Primary” or “principal use” means the predominant use of the land or building to which all other uses are secondary.

“Private parking” means parking facilities for the noncommercial use of the occupant and guests of the occupant.

“Protected species” means species of flora and fauna recognized by the federal government of the state of Washington as endangered, threatened or sensitive which are present in Island County and those species of flora and fauna which, while not necessarily endangered or threatened, are unique in Island County and worthy of protection. This chapter shall contain a list of protected

species, which shall be revised as new species which warrant protection are recognized, or a species which has been listed no longer needs protection.

“Public facility” means land or structures owned by or operated for the public use and necessity.

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken.

“Public meeting” ^(NEW) means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting does not include an open record public hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the project application file.

“Reasonable use” means appropriate and fair use of property given the specific physical circumstances.

“Recorded” means filed for the purpose of record with the auditor of the county.

“Recreational facility” ^(NEW) means a place intended for recreational use by many persons, either at once or over a period of time. Recreational facilities include but are not limited to sports courts and swimming pools.

“Recreational vehicle” means a motor home or trailer less than thirty-five feet in length or a pickup-mounted camper designed for temporary housing.

“Religious facility” ^(NEW) means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax exempt status by the Federal Internal Revenue Service.

“Repair” or “maintenance” means an activity that restores the character, scope, size and design of a serviceable area, structure or land use to its previously authorized and undamaged condition. Activities that change the character, size or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

“Residential-zone office” ^{NEW PARAPHRASED FROM 18.22} means a building designed for up to one hundred (100) percent commercial use in a proposed residential subdivision with more than twenty-five (25) lots.

“Restaurant” ^{NEW} means a use providing preparation and retail sale of food and beverages, including coffee shops, sandwich shops, ice cream parlors, fast food take-out, espresso stands, and similar uses.

“Restaurant, drive in” ^{NEW} means a restaurant where all or a significant portion of the food and beverage consumption takes place or is designed to take place with the patrons remaining in their vehicles while on the premises.

“Retail sales” ^{NEW} means businesses which sell goods, typically in small quantities, to the ultimate consumers.

“Retreat center” means a facility similar to a “Conference Center” but providing overnight accommodations only for participants in the center’s activities.

“Rezone” means a change in classification from one zoning district to another.

“Road, private” means that easement or parcel created to provide the access from a public road to short-platted lots maintained by the private lot owners, and remaining in private ownership. ^(REMOVED “PRIVATE ROAD” AND ADDED PARENTHESIS AROUND ROAD, PRIVATE)

“Road, public” means a road dedicated to and maintained by the state, by Island County, or by the city, and open as a matter of right to public vehicular travel and access. ^(REMOVED “PUBLIC ROAD” AND ADDED PARENTHESIS AROUND ROAD, PUBLIC)

“Screen” or “screening” means a continuous fence, hedge or combination of both which obscures vision through eighty percent or more of the screen area, not including drives or walkways.

“Secondary use” means a use, subordinate to the principal or primary use which may exist only when a principal or primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the principal or primary use.

“Senior Retirement Facility” means a residential facility designed for and occupied by at least one person per unit who is 65 years or older, providing centralized services for the residents, including but not limited to meals, housekeeping, and transportation. Individual cooking facilities are not provided and personal vehicles are discouraged.

“Sensitive areas” are identified and defined in Chapter 16F of the Langley Municipal Code.

“Service station” means a place used for the repair, servicing and/or supplying of gasoline and oil for motor vehicles.

“Setback” means the minimum distance required by this title for buildings and/or other structures to be setback from the street, side or rear lot lines, rights-of-way or access easements.

“Setback area” means the lot area between the lot lines and the setback lines.

“Setback line” means a line which is parallel to a lot line or access easement located at the distance required by the setback.

“Sign” **(NEW TO REPLACE EXISTING SIGN CODE AND ZONING DEFINITIONS)** means a communication device, structure, or fixture which incorporates graphics, symbols, or written copy for the purpose of conveying a particular message to public observers.

“Sign area” means the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of the rectangle.

“Sign face” means any side of a sign which contains advertising or graphic display which is visible to the public.

“Sign, freestanding” means any sign not attached to a building.

“Sign, off-site” means a permanent sign not located on the same lot as the business or use it is intended to serve.

“Sign, pedestrian” means a small sign designed to identify a business to a pedestrian and indicate the location of the entrance. **(MOVED FROM PEDESTRIAN SIGN)**

“Sign, permanent” means a sign nailed, glued, screwed or similarly fastened to foundation systems capable of holding it in position.

“Sign, projection” means any sign other than a wall sign which extends more than twelve inches from the facade of the building to which it is attached. **(MOVED FROM PROJECTION SIGN)**

“Sign, roof” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building. **(MOVED FROM ROOF SIGN)**

“Sign, rotation” means any sign which rotates on a fixed axis. **(MOVED FROM ROTATION SIGN)**

“Sign, temporary” means a sign or advertising display intended to be displayed for a limited period of time and not permanently affixed to a structure or the ground. **(COMBINATION OF EXISTING ZONE AND SIGN CODE DEFINITION MOVED FROM TEMPORARY SIGN)**

“Significant tree” means any living woody perennial plant characterized by a main stem or trunk having many branches and having a diameter of 12” or more measured at breast height. **(MOVED TO ALPHABETICAL ORDER)**

“Site plan” or “binding site plan” means a scale drawing which identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces and other information specified in this title. The binding site plan shall contain inscriptions or attachments setting forth the limitations and conditions established by the city and the provisions for ensuring development in conformance with the site plan. “Stream” means surface water contained within a defined bed or channel, whether permanent or intermittent. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes but is not limited to bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition does not include ditches, canals, storm water runoff devices or other entirely artificial watercourses unless they are used by salmonids or to convey

streams naturally occurring prior to construction of such watercourses. Categories of streams are defined in subsection F of this section. (MOVED TO ALPHABETICAL ORDER)

“Social facility” (NEW) means a building used primarily by community groups and organizations for meetings, celebrations, and other events.

“Social service facility” (NEW) means an establishment ran by a health and social service organization that offers services to promote the physical and emotional well-being of individuals.

“Street” means the public or private right-of-way or easement which provides vehicle access to abutting property. (REMOVED SIGN CODE DEFINITION)

“Street frontage” means the side of a building facing the street.

“Street lot line” means the boundary between the street right-of-way and abutting property.

“Street setback” means the minimum distance required for buildings to be set back from the street lot line.

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, not including utility poles and related pad-mounted or ground-mounted distribution equipment, residential fences less than six feet high, retaining walls, rockeries and other similar improvements of a minor character less than four feet high.

“Submerged lands” means land at or below the ordinary high water mark.

“Subdivider” means any person having any real interest in the land being divided, and who participates in the division of land into lots, tracts or parcels.

“Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, development or financing, except for short subdivisions and boundary line adjustments. (NEW)

“Subdivision, short” means the division of land into four or fewer lots, tracts, parcels, sites or divisions, for the purpose of development, sale, lease, transfer, gift or other conveyance. (MOVED FROM SHORT SUBDIVISION)

“Surface area” or “façade” means the area of that continuous exterior front, side or back surface of a building, including doors and windows, but excluding any roof area.

“Tavern” (NEW) means a building where beer and/or wine is served to the public, which holds a license from the Washington State Liquor Control Board.

“Temporary building or structure” means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

“Theater” (NEW) means a building or part of a building devoted to showing motion pictures, or dramatic, musical, or live performances.

“Tourist Accommodations-Commercial” means a dwelling unit serving as a single rental for periods not exceeding twenty-nine (29) consecutive days and containing sleeping and cooking facilities.

“Townhouse” See the definition of “Dwelling, One-family (attached)”

“Use” means the purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

“Variance” (SLIGHT MODIFICATION OF EXISTING MOVED FROM AFTER THE LETTER W) means a modification of the regulations of this ordinance granted to a particular property pursuant to procedure and standards contained herein.

“Vehicle” means a transportable device designed to carry passengers or goods or perform work in motion. (MOVED FROM AFTER LETTER W)

“Veterinary clinic for small animals” (NEW) means a facility established to provide outpatient examination, diagnostic, and health maintenance services for small animals, such as dogs, cats, reptiles or birds. A veterinarian clinic operates during regular business hours and discharges all patients prior to closing time.

“Wall sign” means any sign attached to and supported by the wall of a building or the wall of a structure, with the exposed face of the sign in a plane parallel to the plane of the wall.

“Water dependent use” means a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Examples of water dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float place facilities, and sewer outfalls.

“Wetland” **(MOVED WETLANDS TO WETLAND)** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after March 18, 1992, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Categories of wetlands are defined in subsection F of this section.

“Wetland creation” or “establishment” means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro period, create hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland areas. **(MOVED FROM CREATION)**

“Wetland edge” means the upland limit of a wetland is designated as the boundary between land with predominantly wetland vegetation cover and land without such cover.

“Wetland enhancement” means the manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro periods, or some combination of these. Enhancements results in a change in some wetland functions, and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. **(MOVED FROM ENHANCEMENT)**

“Wetland functions” means the beneficial roles served by wetlands, including but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, historical and archaeological value protection, aesthetic value and recreation.

“Wetland mitigation” means steps taken to avoid, minimize or compensate for adverse wetland or stream impacts. Mitigation, in the following order of preference is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and
6. Monitoring the impact and the compensation project and taking appropriate corrective measures.

Mitigation for individual actions may include a combination of the listed measures. (MOVED FROM "MITIGATION" TO FIT UNDER WETLAND)

"Wetland protection/maintenance (preservation)" means removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland deemed worthy of long-term protection. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as protecting a barrier island. This term also includes activities commonly associated with the term "preservation." Preservation does not result in a gain of wetland acres, may result in a gain in fractions, and will be used for compensatory mitigation only in exceptional circumstances. (MOVED FROM PROTECTION/ MAINTENANCE TO FIT UNDER WETLAND)

"Wetland restoration" means measures taken to restore an altered or damaged wetland or stream that is subject to the regulations of this chapter including:

1. Rehabilitation - Active steps taken to restore damaged regulated wetlands, streams, protected species habitat or their buffers to the functioning condition which existed prior to an unauthorized alteration; and

2. Re-establishment - Actions performed to reestablish wetland and stream functional characteristics and process which have been lost by alteration, past management activities, or catastrophic events within an area which no longer meets the definition of a wetland or stream. (MOVED FROM "RESTORATION" TO FIT UNDER WETLAND)

"Wetland vegetation" means hydrophytic vegetation, as defined above.

"Window sign" means any sign located inside and affixed to or within one foot of the window panes of a building, whether temporary or permanent.

"Wireless communications antenna array" means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy, which may include:

A. Antennas equal to or less than fifteen (15) feet in height, and

B. Parabolic antennas equal to or less than 39.37 inches (one meter) in diameter with an area not more than fifty (50) square feet in aggregate.

"Wireless communication facility" means any unsafe facility for the transmission and/or reception of radio frequency signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.

"Wireless communications service" means the providing or offering for rent, sale or lease or other value received, the transmittal of information between or among points by satellite or similar facilities, with or without benefit of any closed transmission medium.

"Yard" means the lot area between lot lines and the building area.

"Yard, front" means the area between the street lot line and the building line extending the full width of the lot or the street setback area. (REFORMATED TO MAKE CONSISTENT WITH REMAINDER OF DOCUMENT)

"Yard, rear" means the area between the rear lot line and the building area extending the full width of the lot or the rear setback area. (REFORMATED TO MAKE CONSISTENT WITH REMAINDER OF DOCUMENT)

"Yard, side" means the side setback area between the side lot lines and the building area, extending the full length of the building area. (REFORMATED TO MAKE CONSISTENT WITH REMAINDER OF DOCUMENT)

"Zone" or "zone district" means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

(Ord. 527, 1989; Ord. 687, Ord 696, 1995; Ord 703, 1995; Ord. 714, 1996; Ord. 730, 1996; Ord 733, 1997; Ord. 754, 1997; Ord. 771, 1999) (Ord. 788, 2000; Ord 798, 2001, Ord. 799, 2001)(Ord. 820, 2002)

16I.30 ADMINISTRATION (MOVED FROM 18.36)

16I.30.010 Applications.

A. Applications Defined. These procedures apply to rezones, plats (short and regular), conditional use permits, variances, and shoreline development permits, binding site plans, and

related land use approvals as well as to proposals that require administrative action by the City planning official.

B. Pre-application Conference. An applicant shall meet with the city planning and other city staff and consultants as appropriate, before submittal of an application for city action under this title to determine the general nature of the proposed action and seek advice on the applicable plans, policies, and regulations, submittal requirements, fees and expenses and the review and approval process. Pre-application conferences are mandatory for proposals requiring a recommendation by the Planning Advisory Board and action by the City Council. A pre-application conference may also be necessary for a proposal requiring administrative action by the planning official.

C. Required Submittals. For each application, the required submittals include the following:

1. The applicant, owner or owners representative names and addresses, a certificate of ownership issued by a title insurance company authorized to do business in the state and indication of the person to be contacted regarding the application;

2. The names and addresses of the owners and residents of properties within five hundred feet of the property which is the subject of the application and addressed, pre-stamped envelopes.

3. The legal description of the property which is the subject of the application and the street address and whether the property has been surveyed and, if so, if the property corners can be identified in the field;

4. A detailed written narrative description of the proposed action and purpose of the application;

5. A site plan, to scale, indicating the pertinent geographic, natural and cultural features, and relationship to surrounding properties;

6. A written statement specifying how the proposed action meets the requirements of this title and other applicable city requirements;

7. As applicable, descriptions of proposed covenants, agreements, contracts, maintenance and operating procedures or other conditions which apply to the proposed action;

8. If applicable (as determined by the city planning official):

a. Architectural drawings, to scale, of all exterior elevations of all structures with exterior surface materials and colors specified;

b. Landscape plans indicating the existing natural vegetation, existing natural vegetation to be retained, vegetation to be installed and other landscape features such as walls, patios, walks, etc.;

c. A SEPA checklist and other information required to determine the likely environmental impacts of the proposed actions;

9. The planning official may require such additional information as reasonably necessary to fully and properly evaluate the proposal;

D. Fees Paid. The planning official shall collect all fees and expense deposits and record the date of acceptance. (Ord. 714, 1996; Ord. 527, 1989) (Ord. 868, 2006)

16I.30.020 Letter of Completeness

A. Upon receipt of a date-stamped application, the planning official shall circulate the application to the appropriate city departments for comments on the adequacy of the information provided in making a determination of completeness.

B. Within twenty-eight (28) days of receiving a date-stamped application, the city shall provide applicants with a written determination that the application is complete or incomplete.

C. A project application shall be declared complete only when it contains all of the following materials;

1. A fully completed and signed, development application and all applicable review fees.

2. A fully completed, signed, environmental checklist for projects subject to review under the State Environmental Policy Act.

3. The information specified for the desired project in the appropriate chapters of the Langley Municipal Code.

4. Any supplemental information or special studies identified by the city planning official.

D. For applications determined to be incomplete, the City shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the City shall, within fourteen (14) days, issue a letter of completeness or identify what additional information is required. (Ord. 714, 1996) (Ord. 868, 2006)

16I.30.030 Review of Application

Following the issuance of a letter of completeness, the land use coordinator shall set a time certain for all affected city departments and any other entities or agencies with jurisdiction to provide comments on the applications. The city planning official shall determine compliance with City plans and regulations and environmental regulations. (Ord. 714, 1996)

16I.30.040 Environmental Review

A. Developments subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed by the planning official in accordance with the policies and procedures contained in Chapter 16H.20 LMC. **CHANGED CODE CITATION**

B. SEPA review shall be conducted concurrently with development project review. The following are exempt for concurrent review.

1. Projects categorically exempt from SEPA.

2. Components of previously approved applications, to the extent permitted by law and consistent with environmental review for the approved applications. (Ord. 714, 1996)

16I.30.050 Notification.

A. Notice of Development Application.

1. Within fourteen (14) days of issuing a letter of completeness under Section 16I.030.020, the City shall issue a Notice of Development Application. The notice shall include but not be limited to the following: **CHANGED CODE CITATION**

a. The name of the applicant.

b. Date of application.

c. The date of the letter of completeness.

d. The location of the project.

e. A project description.

f. The requested approvals, actions, and/or required studies.

g. A public comment period of not less than fourteen (14) nor more than thirty (30) days.

h. Identification of existing environmental documents.

i. A City staff contact and phone number.

j. The date, time, and place of a public hearing if one has been scheduled.

k. A statement that the decision on the application will be made within 120 days of the date of the letter of completeness.

2. Except as provided below, the Notice of Development Application will be furnished by the City and shall be posted by the applicant on the subject property and at the Langley Library, City Hall and Post Office and published once in a newspaper of general circulation.

3. The Notice of Development Application shall be issued prior to and is not a substitute for the required notice of a public hearing.

4. A Notice of Development Application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed.

a. Applications for building permits.

b. Applications for lot line adjustments.

c. Applications for administrative action.

5. Except for a determination of significance, the City will not issue a threshold determination or issue a recommendation on a project permit until the expiration of the public comment period on an application, provided that this does not apply to issuance of a determination of significance.

B. Notice of Public Hearing. Except as otherwise required, public notification of meetings, hearings, and pending actions under this title shall be made by:

1. Publications at least ten (10) days before the date of a public meeting or pending action, in the official newspaper or the newspaper of general circulation in the city;

2. Mailing at least ten (10) days before the date of a public meeting or pending action, to all property owners as shown on the records of the county assessor and to all street addresses of properties within five hundred (500) feet, not including street rights-of-way, of the boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and

3. Posting by the applicant of notices furnished by the City at least ten (10) days before the meeting or pending action at the Langley City Hall, post office and library and at least one notice on the subject property in a conspicuous location that is readily visible from adjacent roadways. The property notice shall stand until final action is taken by the City.

C. If an open record hearing is required and a threshold determination requiring public notice is to be issued, the threshold determination must be issued at least 15 days prior to the open record hearing.

D. Content of Notice. The public notice shall include a general description of the proposed project, the applicant, type of approval requested, a non-legal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

E. Applicants are encouraged to contact abutting property owners to inform them of the project proposal. Contacts with or attempts to contact adjacent owners should be documented and provided as part of the application materials.

F. Continuations. If for any reason, a hearing on a pending action cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice is required, with environmental review for the approved applications. (Ord. 714, 1996; Ord. 771, 1999; Ord. 733, 1997; Ord. 788, 2000) (Ord. 868, 2006)

16I.30.060 Permit applications requiring administrative action by the planning official.

A. The city planning official may administratively approve, approve with conditions, or deny applications for certain land use proposals. Such administrative permit applications are listed below. If an application is found to be consistent with the ~~City's zoning ordinance, Title 16 18~~ Langley Municipal Code, and with other applicable code provisions and City requirements, a Certificate of Zoning Compliance or other appropriate approval shall be issued subject to compliance with public notice requirements. **(CHANGED CODE REFERENCE)**

B. Administrative permit applications requiring Notification of Application:

1. Bed and breakfast rooms.
2. Short subdivisions.
3. Accessory dwelling units.
4. Shoreline exemptions and shoreline substantial development permits, except those permits where a corollary permit is subject to the quasi-judicial process.
5. Accessory buildings having a gross floor area greater than twelve hundred square feet.
6. Tourist Accommodations - Commercial.
7. Reduction of yard setbacks as provided for in Section 16E.10.020.C LMC. **(CHANGED CODE CITATION)**

C. Administrative permit applications not requiring Notification of Application, including but not limited to:

1. Boundary line adjustments;

2. Home occupations not requiring a conditional use permit;
 3. Reductions of critical areas buffers as provided for in Section 16F.70.050 LMC; **CHANGED CODE CITATION**
 4. Critical/ sensitive areas review pursuant to Chapter 16F LMC requirements; **CHANGED CODE CITATION**
 5. Written code interpretations; and
 6. Other minor actions (e.g., remodeling existing commercial buildings to accommodate new businesses). **CAPITALIZED BEGINNING OF EACH LETTER TO MATCH 2.**
- D. Notification of Application. The planning official shall notify adjacent property owners of the application as identified above. Notification shall be made by mail only. The notice shall include:
1. A detailed description of the proposal.
 2. A place where further information may be obtained.
 3. An offer of an opportunity for public comment within fourteen (14) days of the date of the notice. (Ord. 868, 2006) **CHANGED NUMBERS TO LETTERS THROUGHOUT SECTION TO MATCH FORMAT IN REST OF CHAPTER**

16I.30.070 Staff Report

A. For all permit applications and other proposals requiring a recommendation by the planning advisory board and action by the city council, the city planning official shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of the City departments, agencies with jurisdiction and the general public, incorporate all other pertinent information, comments and correspondence related to the application, and evaluate the proposal's consistency with the City's plans, policies, and regulations. The staff report shall include the staff findings, conclusions, and recommendations. (Ord. 527, 1989; Ord. 714, 1996) (Ord. 868, 2006)

16I.30.080 Planning Advisory Board Actions.

A. Public Hearings. After notification and receipt of the staff report, the planning advisory board shall hold a public hearing for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the City's adopted plans, policies, and regulations. Hearings shall be held on the following applications and subjects:

1. Amendments to the comprehensive plan when these are the responsibility of the Planning Advisory Board (see Chapter 16A.30); **CHANGED CODE CITATION**
2. Amendments to Title 16 of the Langley Municipal Code ~~the zoning code (in Title 18);~~
- ~~3. Amendments to the subdivision code (Title 17);~~
- ~~4. Amendments to the environmental code (Title 16);~~
5. Preliminary plats of subdivisions;
6. Binding site plans;
7. Variances and conditional use permits;
8. Shoreline substantial development permits subject to public hearing;
9. Appeals of SEPA determinations of non-significance and of the adequacy of a final environmental impact statement of the underlying land use action.
10. Other actions requested or remanded by the city council.

B. Required Findings. The planning advisory board shall not recommend approval of a proposed development or other proposal unless it first makes the following findings and conclusions;

1. The development is consistent with the Comprehensive Plan and meets the requirements and intent of the applicable City code and regulations.
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary waste, and parks and recreation facilities.

3. The development is beneficial to the public health, safety and welfare and in the public interest.

4. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the Comprehensive Plan. If the development results in a level of service lower than those set forth in the Comprehensive Plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six (6) years of approval of the development.

5. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

C. Recommendations. After review of the staff report and public testimony, the planning advisory board shall act on the proposal, voting to recommend one of the following to the city council: approval, approval with conditions, denial, or denial without prejudice of the applications or other action before it.

The recommendation shall include a summary of the testimony heard and the findings and conclusions of the planning advisory board and be promptly forwarded to the City Council for consideration. A copy and the procedure for filing an appeal of the planning advisory board's decision shall be mailed to the applicant, and to any person requesting a copy. (Ord. 714, 1996)(Ord. 868, 2006)(Ord. 873, 2006)

16I.30.090 City Council Actions/Decisions.

A. Actions. Upon receiving a recommendation from the planning advisory board or any other matter requiring the council's attention, the council shall perform the following actions as appropriate:

1. Make a decision on a planning advisory board recommendation.

2. At the council's discretion, hold a public hearing and make a decision on the following matters:

a. Appeals of administrative approvals;

b. Appeals of administrative interpretations;

c. Appeals of determinations of significance.

3. Hold a closed record hearing and make a decision on the following;

a. Appeal of a planning advisory board recommendation

B. Decisions. The City Council shall make its decision by motion, resolution or ordinance as appropriate.

1. A Council decision on a planning advisory board recommendation or following a public hearing shall include one of the following actions:

a. Approve as recommended.

b. Approve with additional conditions.

c. Modify, provided that the modifications do not:

(1) Enlarge the area or scope of the project.

(2) Increase the density or proposed building size.

(3) Significantly increase adverse environmental impacts as determined by the responsible official.

d. Deny (reapplication or re-submittal is permitted).

e. Deny with prejudice (reapplication or re-submittal is not allowed for one year).

f. Remand for further consideration in accordance with Section 16I.30.160. **CHANGED CODE CITATION**

2. A Council decision following a closed record appeal hearing shall include one of the following actions;

- a. Grant the appeal in whole or in part.
- b. Deny the appeal in whole or in part.
- c. Remand for further consideration in accordance with Section 16I.30.160. (Ord. 714, 1996)

CHANGED CODE CITATION

16I.30.100 Council Closed Record Hearing and Action.

A. Hearing Date. If the city council wishes to consider changes in the recommendations received, it shall without further consideration, set a date for a closed record public hearing within thirty days.

B. Council Action. After the closed record public hearing, council actions shall state in the written record the findings, conclusions and rationale that led to the decision. Reconsideration of council actions may be requested per procedures in Section 16I.30.190 of this code. (Ord. 527, 1989; Ord. 714, 1996) **CHANGED CODE CITATION**

16I.30.110 Procedures for Public Hearing

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events.

A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.

D. Rebuttal, response or clarifying statements by the staff and the applicant.

E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. (Ord. 714, 1996)

16I.30.120 Procedures for Closed Record Appeals

Closed record hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record hearings shall be conducted generally as provided for public hearings. No new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments. (Ord. 714, 1996)

16I.30.130 Review and Consideration.

A. Review of Approved Permits. Any permit subject to this chapter may be reviewed if the conditions of the permit or approval or the requirements of this title are not being met, the use is creating a nuisance or hazard, the use permitted has been abandoned or the approval was obtained by fraud or deception.

B. Initiation of Review. The review of an approval or permit may be initiated by the Mayor or his or her designee. **REMOVED SEMICOLON**

C. Mayor Review. The mayor or his or her designee, shall investigate the allegations and:

1. Notify the property owner or permit holder of the alleged deficiencies;
2. Direct action to remedy deficiencies within a specified time;
3. Refer the action to the city attorney; and/or;
4. Refer the matter to the city council. (Ord. 527, 1989, Ord. 714,1996)(Ord. 834, 2003)(Ord. 868, 2006)

16I.30.140 Revocation or Modification.

Upon a finding that the permitted activity does not comply with the conditions of approval or the provisions of this title or creates a nuisance or hazard, the city council may delete, modify or impose such conditions on the approval it deems sufficient to remedy the deficiencies.

If the council finds no reasonable conditions, which would remedy the deficiencies, the permit or approval shall be revoked and become null and void and the activity allowed by the permit shall immediately cease. (Ord. 527, 1989)(Ord. 868, 2006)

16I.30.150 Denied or Revoked Approvals and Permits.

A. Denial or Revocation. If an application or approval is denied or an approval is revoked, no similar application for that site shall be accepted for one year from the date of final action and appeal, if any. After one year, a similar application may be made and shall be processed as a new application.

B. Denial Without Prejudice. If an application is denied without prejudice, a new application is permitted at any time. (Ord. 527, 1989, Ord. 714, 1996)

16I.30.160 Remanded Actions.

In the event the city council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the council may remand the matter back to the planning advisory board to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work. The planning advisory board shall have the discretion to reopen the public hearing as necessary to take additional testimony on the items or issues of remand only. (Ord. 714, 1996)

16I.30.170 Procedural Irregularities.

No procedural irregularity or informality in the notice, process, review or hearing of any matter under this title shall affect the final decision unless the substantial rights of a person with a demonstrable interest in the decision are affected. (Ord. 527, 1989; Ord. 714, 1996)

16I.30.180 Final Decision

A. Time. The final decision on a development proposal shall be made within 120 days from the date of the letter of completeness. Exceptions to this include:

1. Amendments to the comprehensive plan or development code.
2. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen (14) days of receiving the requested additional information, the planning official shall determine whether the information is adequate to resume the project review.
3. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
4. All time required for the preparation and review of an environmental impact statement.
5. Projects involving the siting of an essential public facility.
6. An extension of time mutually agreed upon by the City and the applicant.
7. All time required to obtain a variance.
8. Any remand to the hearing body.
9. All time required for the administration appeal of a determination of significance.

B. Effective Date. The final decision of the council or planning advisory board shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the council or planning advisory board takes action on the motion, resolution, or ordinance. (Ord. 527, 1989, Ord. 714, 1996; Ord. 714, 1996)

16I.30.190 Reconsideration.

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filling a written request for reconsideration with the City Clerk within five (5) days of the final decision. The request shall comply with Section 16I.30.200 **CHANGED CODE CITATION**. The council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. (Ord. 714, 1996)

16I.30.200 Appeals.

A. Appeal of Administrative Interpretations and Approvals. Administrative interpretations and administrative approvals may be appealed, by applicants or parties of record, to the City Council or planning advisory board, as appropriate.

B. Appeal of Planning Advisory Board Recommendations. Recommendations of the planning advisory board may be appealed, by applicants or parties of record from the planning advisory board hearing to the city council.

C. Filing. Except where otherwise specified, a written notice of appeal shall be filed with the city clerk within ten days after the date of the decision or recommendation being appealed.

2. Contents. The notice of appeal shall contain:

a. The decision being appealed;

b. The name and address of the appellant and his/her interest in the matter;

c. The specific reason(s) why the appellant believes the decision to be wrong. The appellant shall bear the burden of proof that the decision was wrong;

d. The desired outcome or changes to the decision; and

e. The appeals fee.

D. Effect of Filing. Upon the filing of a complete and timely notice of appeal, the appealed decision shall be suspended until the notice of appeal is acted upon. The time of suspended decision shall not be included in the computation of the expiration date of any permit or approval granted on the matter under appeal.

E. Notification. A copy of the appeal shall be sent to the applicant for the decision being appealed. Notification of review shall be mailed to the parties of record to the original application. (Ord. 714, 1996)

16I.30.210 Notice of Appeal Hearings

In addition to the posting and publication requirements of Chapter 16I.30.050(A)(2), notice of appeal hearings shall be as follows **CHANGED CODE CITATION**:

A. For administrative approvals, notice shall be mailed to adjacent property owners.

B. For planning advisory board recommendations, mailing to parties of record from the board hearing. (Ord. 714, 1996)

16I.30.220 Notice of Decision

A written notice of all final decisions shall be sent to the applicant and all parties of record. For development applications requiring planning advisory board review and City Council approval, the notice shall be the signed ordinance or resolution. (Ord. 714, 1996)

16I.30.230 Judicial Appeal

A. Appeals from the final decision of the City Council or other City board or body and for which all other appeals specifically authorized have been timely exhausted, shall be made to

Island County Superior Court within twenty-one (21) days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, planning official, and city attorney within the applicable time period.

C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the City Clerk prior to the preparation of any records an advance fee deposit in the amount specified by the City Clerk. Any overage will be promptly returned to the appellant. (Ord. 714, 1996)

16I.30.240 Administrative Interpretation

Upon request or as determined necessary, the city planning official shall be responsible for interpreting the meaning or application of the provisions of Chapters 16 and 18 of this code. If written interpretations are requested, the request for interpretation shall be written and shall concisely identify the issue and desired interpretation. (Ord. 714, 1996) **CHANGED CODE REFERENCE AND DID NOT CAPITALIZE PLANNING OFFICIAL**

16I.40 COMPREHENSIVE PLAN AMENDMENTS

(MOVED FROM PORTIONS OF 18.21 – The rest of 18.21 is in the introduction section)

16I.40.010 Amendment types and procedures (RENAMED)

A. The planning agency of the city is responsible for the preparation of and updating of the comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of the city and its environs. Amendments to the comprehensive plan will be considered no more frequently than once each year, except in the event of an emergency. Proposed amendments will be reviewed concurrently so that the cumulative effect of the proposed amendments can be considered. The first time that amendments can be considered is January 1996.

B. Two general types of plan amendments will be considered. The first type is an annual review conducted by the City itself. This review will examine any portion or the entire plan, including a reevaluation of goals, elements, and the reaffirmation of policies. Included in this review will be plan amendments consistent with the Growth Management Act.

C. The second form of plan amendments relate to site-specific requests.

1. Anyone wishing to propose an amendment must submit the proposed amendment in writing to the City planning official.

2. Proposals for amendment need to include at least the following information: (1) reference to the element of the comprehensive plan that is proposed for amendment; (2) proposed amendatory language; and (3) an explanation of why the amendment is being proposed and the justification for the amendment.

3. All proposed amendments shall be referred to the planning agency for consideration and the planning agency, in turn, shall forward its recommendations to the City Council in accordance with the provisions of Chapter 16I.40 **CHANGED CODE CITATION.**

D. For all amendments, the planning agency shall hold at least one public hearing for the purpose of receiving public comments regarding the merits of proposed amendments. Notice of the hearing(s) shall follow the procedures set forth in LMC 16I.30.050. The provisions of 16I.30.050 that refer to “the subject property” shall be followed if a proposed amendment is property specific. **CHANGED CODE CITATION.**

E. A copy of the amendment(s) recommended to the City Council by the planning agency shall be transmitted to Washington Department of Community, Trade and Economic Development (DCTED) at least sixty days prior to the expected date of final City Council action on the proposed amendment(s). A copy of any adopted amendment(s) will be transmitted to the

DCTED within ten days after adoption by the City Council. (Ord. 696, 1995, Ord. 699, 1995)(Ord. 873, 2006)

16I.40.020 Compliance with State Environmental Policy Act. (MOVED FROM 18.21.050)

The preparation and adoption of the comprehensive plan shall comply with the State Environmental Policy Act of 1971 (RCW Chapter 43.21C). (Ord. 564, 1990; Ord. 527, 1989)

16I.40.030 Action by city council. (MOVED FROM 18.21.060)

The city council shall approve or disapprove, or modify and approve as modified, the comprehensive plan, or refer it back to the planning agency for further proceedings. (Ord. 564, 1990; Ord. 527, 1989)

16I.44 CODE AMENDMENTS (MOVED FROM 18.38)

16I.44.010 Scope.

After review and recommendation by the planning advisory board, the city council may supplement, or change by ordinance, any of the provisions, ~~zone-district~~ design zone boundaries, or zone ~~district~~ classifications herein. (Ord. 527, 1989) **CHANGED TO MAKE LANGUAGE CONSISTENT**

16I.44.020 Initiation of text amendments.

Amendments to the text of this title may be initiated by the city council or the planning advisory board. (Ord. 527, 1989)

16I.44.030 Rezones.

A. Initiation. Amendments to the design zone-~~district~~ boundaries or zone classifications may be initiated by the city council, planning advisory board or petition of owners of fifty-one percent of the area of the properties to be rezoned.

B. Required Findings. Amendments to the design zone ~~district~~ boundaries or classification may be made if all the following findings are made:

1. The amendment is consistent with the purposes of the comprehensive plan;
2. The amendment is consistent with the purposes of this title;
3. The amendment is consistent and compatible with the uses and zoning of the surrounding property;
4. There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;
5. The property is practically and physically suited for the uses allowed in the proposed zoning classification;
6. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

C. Burden of Proof. The applicant must demonstrate that the proposed rezone meets the conditions of the required findings above. (Ord. 527, 1989)

16I.44.040 Contract rezone.

The city may impose conditions on the use and development of the property to be rezoned which may mitigate otherwise unacceptable adverse effects of the proposed action. These conditions may be incorporated into a contract between the city and the property owner as a necessary requirement of the rezone. Failure to fulfill the contract conditions can provide the basis for the property to revert to the original zoning classification. (Ord. 527, 1989)

16I.44.050 Amendment procedures.

The application requirements, review procedures, public notification requirements and procedures for recommendations and actions are described in Chapter 16I.30 of this code. (Ord. 527, 1989) **CHANGED CODE CITATION**

16I.50 SURETIES (Moved from 18.44)

16I.50.010 Site improvement sureties.

Before the issuance of any permit or approval to build, use or occupy any building or site for which site improvements are required as a condition of the permit or approval, the city may require that the owner shall provide a suitable bond surety, to ensure the site improvements are completed before use or occupancy of the site. (Ord. 527, 1989)

16I.50.020 Maintenance sureties.

Before the release of a site improvement surety bond, the city may require that the owner shall provide a bond or other surety, acceptable to the city, to ensure the maintenance of the site improvements in an amount fifteen percent of the cost of the site improvements and may be released two years after the release of the site improvement surety. (Ord. 527, 1989)

16I.50.030 Release of sureties.

The mayor shall not release sureties for completed or partially completed required improvements except under the following conditions:

A. The sub-divider has submitted a schedule of improvements, the sequence for completion and the value of each part of the improvement for which a release of cash or bond surety may be sought.

B. Each segment of a required improvement shall be useable by itself without completion of the remainder of the improvement.

C. Each segment shall receive final inspection and approval by the city before release of the cash or bond surety for that part of the improvement.

D. All partial releases on each improvement shall constitute no more than one hundred percent of the estimated value of the entire completed improvement.

E. All releases of cash or bond sureties shall be approved in writing by the mayor. (Ord. 527, 1989)

16I.60 ENFORCEMENT AND PENALTIES

(Combination of Enforcement from 18.42 and Penalties from 18.46 and Chapter 16 [HAS SAME WORDING FOR PENALTIES BETWEEN 16 and 18])

16I.60.010 Enforcing official.

The mayor shall be responsible for the enforcement of this title. (Ord. 527, 1989)

16I.60.020 Right of entry.

The enforcement official or his/her designee may enter, at reasonable times, with the permission of the owner, any building, structure or premises in the city to perform any duty imposed upon him by this title. (Ord. 527, 1989)

16I.60.030 Licenses and permits.

A. No license or other permit shall be issued until the plans, specifications, occupancy and use of the structure conforms to the requirements of this title.

B. No building permit or other permit shall be issued until the conditions of approval, if any, plans, specifications, occupancy and use of the structure conform to the requirements of this title.

C. No license, permit or approval shall be granted until all fees and expenses required and incurred under this title have been paid. (Ord. 527, 1989)

16I.60.040 Penalty.

Violation of or failure to comply with any of the provisions of this title shall be subject to a civil penalty as set forth in Chapter 1.14. When violations are of a continuing nature, the penalty shall increase each day of the violation as set forth in Chapter 1.14.050(5). (Ord. 527, 1989) (Ord. 832, 2003)

16I.60.050 Nuisance.

The use of property contrary to the requirements of this title or any permission or approval granted under this title shall constitute a public nuisance. The city reserves and may exercise its authority to abate public nuisances and may pursue any civil remedy, at law or equity, to eliminate any public nuisance and restore any property to its lawful use. (Ord. 527, 1989)

16I.70 ISLAND COUNTY FAIR PROTECTION

(MOVED FROM 18.33)

16I.70.010 Purpose

The purpose of this chapter is to insure that property owners in the vicinity of the Island County Fairgrounds are aware that certain fairgrounds related activities may not be compatible with residential uses nearby but that the city supports these activities as a historic and continuing part of the community and does not consider them to be a nuisance. (Ord. 894A, 2007)

~~18.33.020~~ ~~Definitions~~ **MOVED TO DEFINITIONS**

~~As used herein, the following words have the designated meanings:~~

~~A. "Fairgrounds Operations" means the permitted and customary conditions and activities that are in place or that occur in connection with approved land uses and operations at the Island County Fairgrounds.~~

~~B. "Fairgrounds Vicinity" means all properties within the City of Langley.~~

~~C. "Nuisance" means activities that are defined by Chapter 7.48 RCW. (Ord. 894A, 2007)~~

16I.70.020 Protection Measures

The following measures shall be taken to inform all property owners within the fairgrounds vicinity of the activities associated with customary fairgrounds operations.

A. **Mailed Notice.** Within 90 days of the effective date of this ordinance, the city shall mail to all property owners in the fairgrounds vicinity the following notification:

"The City of Langley has established a policy to protect the historic and continuing activities associated with the Island County Fairgrounds from nuisance complaints attributable to all permitted uses and conditions at the fairgrounds. If your real property is located near the Island County Fairgrounds, you may be subject to inconvenience or discomfort arising from activities such as livestock sounds and smells, fumes, dust, flies, outdoor concerts, amusement rides, food vendors, recreational vehicle generators, temporary manure storage, composting, loudspeakers and other uses and conditions associated with the fairgrounds. If conducted in compliance with local, state and federal laws, these inconveniences and discomforts are hereby deemed not to constitute a nuisance for purposes of enforcement under the Langley Municipal Code unless the activity has a substantial adverse impact on public health and safety."

B. **Recorded Disclosure Notice.** All documents recorded with the Island County Auditor concerning the transfer of real property within the fairgrounds vicinity by sale, exchange, gift, real estate contract, lease with an option to purchase, any other option to purchase, or any other

means of transfer, shall contain a statement using the language as set forth in subsection A. above.

C. Property Notice. A note shall be added to the face of all final long plats, final short plats, final planned unit developments and final binding site plans located within the fairgrounds vicinity to state as follows:

“All or a portion of the property described in this document is located within the vicinity of the Island County Fairgrounds. Because of this proximity, owners of property may be subject to inconvenience or discomfort arising from activities such as livestock sounds and smells, fumes, dust, flies, outdoor concerts, amusement rides, food vendors, recreational vehicle generators, temporary manure storage, composting, loudspeakers and other uses and conditions associated with the fairgrounds. If conducted in compliance with local, state and federal laws, these inconveniences and discomforts are hereby deemed not to constitute a nuisance for purposes of enforcement under the Langley Municipal Code unless the activity has a substantial adverse impact on public health and safety.”

(Ord. 894A, 2007)

16I.80 HAZARDOUS WASTE REPORTING REQUIREMENTS

(Moved from 18.42.040 Reporting Requirements)

Owners of property whose use of the property generates or otherwise results in hazardous waste being located on the property, shall file a "Hazardous Waste Information Report" with the city by May 30, 1992 and each year thereafter. The form for the report will be furnished by the city. The purpose of the report is to provide information for emergency response personnel and for notifying property owners/business of regulatory requirements. Failure to file the form, as required, shall result in assessment of a penalty as provided for in Chapter 16I.60 of the Langley Municipal Code. (Ord. 621, 1992) **CHANGED CODE CITATION**