

Langley Municipal Code

Title 17

Subdivisions

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Chapter 17.04

Long Plats

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Section 17.04.010 Title for citation.

This chapter shall be known and referred to as the "Platting Ordinance of the City of Langley."
(Ord. 332, 1981; Ord. 174, 1966)

Section 17.04.020 Purpose of provisions.

The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety, and welfare of the city and its citizens in accordance with state law and the city's comprehensive plan. To carry out this purpose for the subdivision of land for residential uses, this chapter establishes a flexible lot process, which will facilitate the fair and predictable division of land, maintain the current character of the city, and provide for greater flexibility in the division and establishment of residential lots. A further purpose of this chapter is to prevent the overcrowding of land; to lessen congestion in the streets; to provide for adequate light and air; to facilitate adequate provision for water, sewage, storm water drainage, parks and recreation areas, and sites for public facility needs; to provide for proper ingress and egress, including future traffic circulation needs of the immediate and surrounding area; and to provide for a variety of housing opportunities.
(Ord. 820, 2002)

Section 17.04.025 Flexible Lot Design

Flexible lot design means a design process which permits flexibility in lot development and encourages a more creative approach than traditional lot-by-lot subdivision. The flexible lot design process includes lot design standards, guidance on the placement of buildings, use of open spaces and circulation which best addresses site characteristics. This design process permits clustering of lots, including zero lot lines, and a variety of lot sizes, to provide open space, protect the city's natural systems, and to provide for a variety of housing opportunities in the city. Design elements include:

- A. Identification of open space pursuant to the standards established in Section 17.04.075.
- B. Identification of residential homesite locations. Homesites shall be located in such a manner as to avoid placement of any portion of a homesite within those areas that are not buildable, such as critical areas and their buffers, dedicated open space, and well-head protection areas.
- C. Location of utilities (public, quasi-public and private), including sewer, water, and storm water facilities.
- D. Provision of road and access. Roads and access shall be consistent with Title 15 LMC, Land Development Standards, as they may be modified by this Title and the Transportation Element of the Comprehensive Plan.
(Ord. 820, 2002)

Section 17.04.030 Applicability.

This chapter shall apply to all persons, firms and corporations proposing to divide any land area into five or more parcels or proposing to dedicate any land as a public right-of-way.
(Ord. 332, 1981; Ord. 278, 1977) (Ord. 820, 2002)

Section 17.04.040 Residential Zones utility regulations.

A. Lands platted and/or subdivided within all residential Zones of the city must be served by: (1) water from the city water system, (2) the city sewer system, and (3) underground utilities, including telephone and electric power.
(Ord. 332, 1981; Ord. 245, 1974) (Ord. 820, 2002)

Section 17.04.045 Subdivision Procedures.

All subdivisions shall follow the following steps:
A. Pre-application consultation with city staff members. With the information set forth in Section 17.04.050 of this Chapter, guidance

on how to refine the proposed site plan to meet the requirements of the codes of the city is provided to the applicant.

- B. A refined proposed site plan consistent with the submittal requirements of this Chapter and additional materials as required by the Planning Official are submitted for the preliminary subdivision application review process.
- C. An application for preliminary subdivision is considered complete and is filed by the city if it satisfies the submittal requirements set forth in Section 17.04.070 of this Chapter.
- D. The preliminary subdivision is reviewed consistent with the procedures of this Chapter and Chapter 18.36 of the LMC.
- E. A preliminary plat is approved, disapproved, or returned to the applicant for modification or correction within 120 days from the date of filing a complete application, unless the applicant consents to an extension.
- E. The applicant shall complete or shall make provision to satisfy all preliminary plat conditions and code requirements as per the requirements of Section 17.04.140 of this Chapter.
- F. Within three years of the date of preliminary subdivision approval by the city council, the sub-divider shall submit the original of a proposed final subdivision consistent with the final subdivision submittal requirements of this Chapter.
- G. The final subdivision application is reviewed by the city staff and Planning Advisory Board and action is taken on the application by the City Council within sixty days from the date of filing a complete application, unless the applicant consents to an extension

H. The final subdivision becomes effective upon recording. (Ord. 820, 2002)

Section 17.04.047 Preliminary Subdivision – Vesting.

A proposed subdivision shall be reviewed under all applicable city ordinances and the State Environmental Policy Act in effect at the time the city determines that the preliminary subdivision application is complete. (Ord. 820, 2002)

Section 17.04.050 Pre-application consultation

Prior to city acceptance of a preliminary plat application, a pre-application consultation with city staff is required. A pre-application review shall afford the city staff the opportunity to become familiar with the plat proposal and offer guidance to the applicant on areas to be addressed in submitting a preliminary plat application. Materials to be provided for pre-application review include:

(A) Vicinity map showing the subject property and adjacent properties, including topography, existing buildings, roads and natural and other features on the property to be divided and all adjacent properties (slopes, wetlands, streams, etc.).

(B) Plat concept showing proposed lots, roads, open space, utilities services, and other elements/features.

There shall be a fee for pre-application consultation. The amount of the fee shall be established by City Council Resolution. (Ord. 820, 2002)

Section 17.04.070 Preliminary Plat Application Contents and Filing Fee.

The following maps, site plans, and studies shall be prepared for proposed preliminary residential subdivisions:

A. Base map. The purpose of the base map is to consolidate existing characteristics of the site and existing on-site conditions. Contents of the base map:

(1) North arrow and scale (1:40 scale preferred);

(2) Name, address and phone number of the owner of the subject property and of the owner's representative;

(3) Proposed plat name;

(4) Property boundaries;

(5) Total acreage;

(6) Topography with a contour interval of no less than 5 feet sufficient to demonstrate existing drainage characteristics on and adjacent to the property (slopes which exceed 15% shall be identified);

(7) The location of all easements and other encumbrances located on the property or essential to the property's division;

(8) The location and names of roads and rights-of-way, easements, trails and walkways on-site or in the immediate vicinity;

(9) The location of all utilities (water lines or wells, sewer lines or septic systems, power, cable and/or telephone lines) located on or adjacent to the subject property;

(10) The location of all critical areas (as defined in LMC Chapter 16.20) located on or within 100 feet of the subject property;

(11) Areas of significant trees and vegetation located on the subject property or within 100 feet of the property;

(12) The approximate size and location of existing structures located within 100 feet of the subject property;

(13) City comprehensive plan and zoning designations for the subject property, including shorelines designation if applicable;

(14) Existing land uses on the subject property and adjacent properties;

B. Aerial Photograph. An aerial photograph will assist the city in orienting the property and adjacent areas.

C. Site design. The following shall be included:

(1) Proposed residential homesite locations and lot lines;

(2) Location of all proposed public and private utilities, including public sewer and water, storm drainage, telephone, cable, electricity, etc;

(3) Provision of roads and access; and;

(4) Open space locations

D. A fee as provided by resolution of the city council for long plats. This fee shall be collected prior to the scheduling of the public hearing.

(Ord. 535, 1989; Ord. 332, 1981; Ord. 245, 1974; Ord. 174, 1966)(Ord. 820, 2002)

Section 17.04.075 Flexible Lot Standards

Subdivisions established pursuant to the flexible lot design process shall be subject to the following development standards. For standards not listed below but contained in Chapter 18 LMC, the standards in Chapter 18 apply (ex: building height).

A. Minimum lot size requirement: 5,000 square feet. Development densities shall comply with the densities allowed in the underlying zone and any bonus provisions set forth in the Title or Title 18.

B. Lot setback and dimensional requirements:

(1) Yard setbacks:

(a) Front: 10 feet

(b) Side: 5 feet, except in the case of attached housing where a side lot line can be zero for the common wall housing units.

(c) Rear: 25 feet

C. Minimum lot width at street frontage: twenty-five feet;

D. Open space shall be established consistent with the following performance standards:

(1) Open space shall be established to preserve the natural character of the city;

(2) Where practical, open space shall be concentrated in large usable areas.

(3) Where possible, open space shall connect to adjacent off-site open space areas;

(4) Where possible, the city character of the roadways shall be maintained through the minimization of disturbance of roadside vegetation.

(5) Open space areas shall be maintained permanently by the

property owner, the property owner's association or the city for properties dedicated to the City, which is to be determined at the time of plat approval.

E. Roads and access performance standards.

- (1) Connections to existing off-site roads which abut the property shall be required where practicable;
- (2) Pedestrian access onto the site shall be maximized. This may be accommodated through the provision of on-site walkways, trails, paths or sidewalks (see the city Land Development Standards for appropriateness of sidewalks) which originate at the property's public access;
- (3) Internal pedestrian circulation shall be facilitated through appropriately scaled walkways, paths trails or sidewalks (see the city Land Development Standards for appropriateness of sidewalks)
- (4) Where practical, existing roadway character shall be maintained. This may be accomplished through the reduction of right of way and/or roadway width (subject to approval of the city engineer), the minimization of curb cuts, and the preservation of roadside vegetation.

(Ord. 820, 2002)

Section 17.04.090 Preliminary Subdivision – Decision criteria

A. The Planning Advisory Board's recommendation and the City Council decision to approve a subdivision or approve a subdivision with modifications shall include findings of fact that the application meets all of the following requirements:

- (1) The preliminary subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including the following:
 - (a) Roads, streets and transit facilities;
 - (b) Street names, traffic regulatory signs and mailbox locations;

- (c) Pedestrian facilities;
 - (d) Other public ways leading to and providing access to and within the subdivision;
 - (e) Open spaces, recreation facilities, and playgrounds;
 - (f) Fire and emergency vehicle access;
 - (g) Drainage and storm water facilities;
 - (h) Water supply, including both domestic and fire flow
 - (i) Sewage disposal through connection to the city sewer system
- (2) Any portion of a subdivision which contains a critical area, as defined in Chapter 16.20 LMC, conforms to all requirements of that section of the code;
 - (3) The preliminary subdivision design is compatible with the physical characteristics of the proposed subdivision site;
 - (4) The proposal is in accord with the city's comprehensive plan;
 - (5) Wherever feasible, the preliminary plat design includes measures to minimize clearing, with priority given to maintenance of existing vegetation and re-vegetation is incorporated into the preliminary design when possible;

B. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the subdivision.

C. In making a determination of approval, approval with modifications or disapproval using the criteria in subsections A and B of this section, the following additional factors without limitation shall also be considered:

- (1) All public and private facilities and improvements on and off the site necessary to provide for the proposed subdivision will be available when needed;
- (2) Proposed new utilities, facilities and services and the proposed additional use of existing utilities, facilities and services will not degrade the existing level of operation and the use of such utilities, facilities and services below accepted standards.

(Ord. 820, 2002)

Section 17.04.110 Lots.

A. No lot shall be less than twenty-five feet in width at the building setback line, or less than five thousand square feet in area.

B. No lot shall be divided by a city boundary line.

(Ord. 332, 1981; Ord. 174, 1966)(Ord. 820, 2002)

Section 17.04.130 Variations from standards.

A. Variations and exceptions from the dimensional standards and improvement requirements as set forth in this chapter may be made in those instances where it is deemed that hardship, topography, or other factual deterrent conditions prevail, and in such manner as it considers necessary to maintain the intent and purpose of these regulations and requirements.

(Ord. 332, 1981; Ord. 174, 1966) (Ord. 699, 1995) (Ord. 820, 2002)

Section 17.04.135 Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Advisory Board as indicating design appropriate to the site's natural, historic and cultural features, and meeting the purposes of this code. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, proposals shall be evaluated to determine whether the proposed conceptual preliminary plat:

A. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the City for essential infrastructure or active or passive recreation amenities) and maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds (reference: Chapter 16.20 LMC).

B. Minimizes conflicts between residential and agricultural uses.

C. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads and establishes buffer zones along public roads by maintaining existing screening vegetation or by establishing a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers.

D. Minimizes impacts on large woodlands, especially those containing mature trees, significant wild life habitat and those with highly erodible soils with slopes greater than 15 percent.

E. Minimizes impacts on scenic views and vistas as seen from public roadways.

F. Landscapes common areas, cul de sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.

G. As appropriate, provides active recreational areas in suitable locations offering convenient access by residents.

H. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties, public facilities, and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which, in turn, should link with existing or potential open space on adjoining parcels, where applicable.

I. Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that resource areas are not divided into numerous small parcels located in various parts of the development. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger contiguous and integrated greenway systems.

(Ord. 699, 1995) (Ord. 820, 2002)

Section 17.04.137 Plans Subject to Review and Approval

Final water, sewer, storm drainage, street and other physical improvements set forth in the preliminary plat approval must be submitted to the city for approval prior to actual construction of these facilities. Any changes made during the installation must be approved by the city and revised drawings showing the exact location of the facilities must be approved in advance of the installation. All underground utilities and facilities installed in streets shall be constructed prior to the surfacing of such street(s). Service connections for all underground utilities and facilities shall be laid to such lengths as will obviate the necessity for disturbing the street improvements, when service connections thereto are made.

(Ord. 820, 2002)

Section 17.04.140 Satisfaction of Preliminary Plat Conditions and Code Requirements

The applicant shall complete all requirements of the preliminary plat approval and the requirements of this chapter within one year from the date of preliminary plat approval in order to qualify for submittal for final plat approval. In the alternative, the city may accept a performance bond or similar assurance in an amount equal to 115% of the value of the improvements guaranteeing that all improvements and requirements will be completed within one year of the date of the preliminary plat approval. One one-year extension of the requirement may be granted by the City Planning Official, in consultation with city staff, with a showing of good cause by the applicant.

(Ord. 332, 1981; Ord. 174, 1966)

B. The performance bond or similar assurance that is satisfactory to the city that is drawn in favor of the city in the amount specified by the city shall be deposited per instructions from the city clerk-treasurer. All money received shall be held in escrow

pending the satisfactory completion of the required work. The city may authorize the release of portions of this money to the applicant in accordance with a prearranged progress schedule. When all improvements have been completed and determined by the city to satisfy required city standards, the bond or balance of money held in escrow shall be released to the applicant. A one year maintenance bond in the amount of 10% of the value of the improvements shall be provided upon release of the performance bond to warrantee improvements provided in the development of the plat.

(Ord. 820, 2002)

Section 17.04.145 Preliminary Subdivision – Modification of plat.

- A. Modification to an approved preliminary subdivision which does not change the general plat layout, increase off-site impacts of the subdivision, or modify a provision or condition which was a matter of dispute by any party during the preliminary approval process may be made by the Planning Official after reasonable notice and opportunity to comment is provided to the applicant and all parties of record. The Planning Official shall review and approve or disapprove the request for modification following the procedures set forth in Chapter 18.36 LMC (Administration).
- B. Other modifications to an approved subdivision must be reviewed in accordance with the process for a new subdivision application and shall be approved consistent with the procedures and requirements of this chapter.
- C. The following exemptions shall not constitute changes in the preliminary subdivision approval and thus do not require further review as provided for above in this section:
 - 1. Engineering detail, unless the proposed detail modifies or

eliminates features specifically required as an element of the preliminary subdivision approval;

Minor changes in lot lines or lot dimensions.
(Ord. 820, 2002)

Section 17.04.150 Final plat — Preparation.

After approval of the preliminary plat by the City Council and the fulfillment of the preliminary plat conditions and the requirements of these regulations and any other requirement specified by the planning commission, one tracing of the final plat shall be prepared to be filed for record.
(Ord. 332, 1981; Ord. 174, 1966)

Section 17.04.160 Final plat — Materials.

The original final plat shall be drawn on a mylar within dimensions acceptable for Island County recording and allowing one-half inch for border. The ink must be reproducible and of a permanent nature. If more than one sheet is required, each sheet including the index sheet shall be of the required size. The index sheet must show the entire subdivision, with street names, block numbers and lot numbers.
(Ord. 332, 1981; Ord. 174, 1966) (Ord. 820, 2002)

Section 17.04.170 Final plat— Contents.

The final plat shall include the following:

A. Identification and Description.

1. Name of subdivision;
2. Location by section, township and range, or by other legal description;
3. The name and seal of the registered land surveyor; and
4. Scale (same as preliminary plat), shown graphically, date, and North point. The scale of the final plat shall be such that all distances and bearings can be clearly and legibly shown thereon in their proper proportions. Plats unduly cramped and on which essential data cannot be clearly read will not be approved.

B. Delineation. The following shall be clearly indicated and dimensioned:

1. Boundary of the plat, based on an accurate traverse, with angular and lineal dimensions;

2. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys, walkways and cross-walkways. The name of a street shall not duplicate that of any existing street in the city, and shall be generally consistent with the practice of Island County;

3. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;

4. Municipal, township, county or section lines, accurately tied to the lines of the subdivision by distances and courses;

5. Radii, central angles, points of curvature, tangent distances, and lengths of all arcs; bearing and length of all tangents;

6. All easements for right-of-way provided for public services or utilities;

7. All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered or lettered consecutively through the several additions;

8. Accurate location of all monuments, which shall be concrete, not less than four inches by four inches at top, six inches by six inches at bottom and twenty-four inches long, with metal marker cast in center. One such monument shall be placed at each street intersection, and at locations to complete a continuous line of sight and at such other locations as required by the city engineer. Monument cases shall be placed over all monuments in paved streets;

9. All plat meander lines or reference lines along bodies of water established above the high water line of such water;

10. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication: and of any area to be reserved by deed covenant for common uses of all property owners; and

11. Building setback lines accurately shown with dimensions, and

12. All lot corners shall be marked with a permanent suitable metal marker no less than three-eighths inch in diameter and eighteen inches long and driven flush with the finished grade.

C. Descriptions, Dedication, and Certificates.

1. A description of property platted, which shall be the same as that recorded in the preceding transfer of the property, or that portion of the transfer covered by plat. Should this description be cumbersome and not technically correct, a true and exact description shall be shown upon the plat together with original description. The correct description shall follow: "The intent of the above description is to embrace all the following described property:";

2. Dedication, with notarized acknowledgment, by owner or owners, of the adoption of the plat and the dedication of streets and other public areas. In case of a corporation, proper acknowledgment shall be used;

3. Restrictions;

4. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional and geodetic details are correct;

5. Proper signature blocks for the approvals of the Mayor, city planning official and city engineer;

6. Approval by signature of the county auditor, as to filing for record; and

7. All signatures shall be in India ink or other ink of equal density. No interlineations will be permitted.

(Ord. 332, 1981; Ord. 174, 1966) (Ord. 820, 2002) (Ord. 834, 2003)

Section 17.04.190 Final plat — Filing — Fees.

On completion of site improvements to the satisfaction of the city staff, or upon delivery of a performance bond in lieu thereof, the final plat shall be submitted to the planning advisory board, accompanied by the following:

A. Deposit to cover the cost of final plat review, including the base fee and hourly charges for city consulting review time and overhead. Any excess remaining after deduction of the cost of final plat review shall be returned to the platter, if final plan review costs exceed the amount deposited, the applicant shall pay the difference;

B. A certificate of title from a reputable title insurance company giving the legal description and showing the title and interest of all parties to the plat or dedication. The certificate shall be dated not to exceed thirty days prior to submission of the final plat;

D. A certificate by the county treasurer, showing that taxes have been paid in accordance with RCW 58.08.030 and 58.08.040, and that deposit has been made to the county treasurer for the taxes for the following year. Also, certificate by the county treasurer, showing that all taxes and assessments levied and chargeable against the property in the plat, re-plat or subdivision have been made in accordance with RCW 58.08.030.

(Ord. 535, 1989; Ord. 332, 1981; Ord. 174, 1966)(Ord. 820, 2002)

Section 17.04.195 Final Plat Alterations

Alterations of approved plats shall follow the same procedures as set forth in this title for new subdivision proposals; provided that, the Planning Official, in consultation with other appropriate city officials, may approve minor alterations, subject to notifying parties of record for the subdivision of the proposed alteration and providing an opportunity to comment.

(Ord. 820, 2002)

Section 17.04.200 Violation — Penalty.

Violation of or failure to comply with any of the provisions of this chapter 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 Section 1.14.050(5).

(Ord. 832, 2003)

Section 17.04.230 Plat Revocation

See Chapter 18.36.070-18.36.080 of this Code.
(Ord. 834,2003)

Section 17.04.240 Withholding Permits

No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of this chapter unless the city planning officer determines that the public interest will not be adversely affected.
(Ord. 834, 2003)

Chapter 17.08

Short Plats

Sections:

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- 17.08.150 Enforcement.**
- 17.08.160 Violation— Penalty.**
- 17.08.170 Withholding of Permits**

Section 17.08.010 Purpose of provisions.

The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and welfare of the city and its citizens in accordance with the state platting law, the State Growth management act, the city/Island County Interlocal agreement and the city's comprehensive plan and development regulations to facilitate the fair and predictable division of land, maintain the current character of the city, and provide for greater flexibility in land division and establishment of lots.

It is the intent of this chapter to provide a simple and expeditious method to divide property into four or fewer lots as an alternative subdivision process. It is not intended to be used to create either directly or indirectly five or more lots or parcels of land. This chapter shall be liberally construed to accomplish these purposes.

(Ord. 456, 1985)(Ord. 834, 2003)

Section 17.08.020 Definitions.

Where the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

A. "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.

B. "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.

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

Washington.

D. "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.

E. "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.

F. "Dedication" means the deliberate conveyance of land by an owner for any general and public uses, reserving to himself 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.

G. "Easement" means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes.

H. "Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area.

I. "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.

J. "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.

K. "Person" means individual (regardless of relationship or legal capacity), partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or other such affiliated ownership.

L. "Planner" means the city official responsible for administration and interpretation of this code.

M. Road, Private. "Private road" 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.

N. Road, Public. "Public road" 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.

O. "Short plat" means the map or representation of a short subdivision submitted for final approval and recording, showing thereon the division of a tract or parcel into lots, blocks, streets, or other divisions.

P. "Short subdivision" 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.

Q. "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.

(Ord. 456, 1985) (Ord. 834, 2003)

Section 17.08.030 Applicability — Exemptions.

A. Every division of land for the purpose of development, sale, lease, transfer, gift or other conveyance into four or fewer lots, tracts, parcels, sites or divisions within the city shall proceed in compliance with this chapter. Contiguous property in one ownership shall constitute a single parcel in determining whether or not the division of land comprises a subdivision. Subsequent to the recording of a short plat for contiguous property, further divisions of such property shall constitute a subdivision of land into five or more lots unless otherwise exempted.

B. The provisions of this chapter shall not apply to:

1. Any cemetery or burial plot, while used for that purpose;

2. The assignment by the Island County Assessor's Office of new tax parcel numbers and no division of land is occurring;

3. Any division made by testamentary provision or the laws of descent;

4. Any division of land into lots or tracts for which a residential condominium and commercial binding site plan has been recorded in accordance with the provisions of the LMC;

5. A division for the purpose of lease when no residential structures other than manufactured homes are permitted to be placed upon the land and for which a binding site plan for use of the land as a manufactured home park has been approved in accordance with the provisions of this code;

6. The development, sale, lease, transfer, gift or other conveyance of legally created tracts, lots or parcels acquired by any owner as separate parcels, bearing separate tax identification numbers and having separate and distinct legal descriptions.
(Ord. 456, 1985)(Ord. 834, 2003)

Section 17.08.040 Boundary line adjustments.

A. Applications. Any person or other legal entity seeking a Boundary Line Adjustment must complete the City's application forms and follow the procedure as outlined in the application. An applicant shall meet with either the city land use coordinator or the city planning officer, whomever is appropriate, before submittal of an application for city action under this title. Any party seeking to settle a boundary line dispute under the authority of RCW 58.04.007 or who is otherwise seeking to comply with RCW 58.04.007, must complete the city application in addition to, and in conjunction with, any action taken pursuant to said statute.

B. Boundary line adjustments between adjoining and touching parcels, where no lot is created, will be issued a certification of approval by the mayor upon finding by the planning officer that:

1. There is compliance with city plans, zoning, health, building, and similar regulations;

2. The adjustment will not adversely affect access easements, drain fields, wells and public utilities.

C. The approved Boundary Line Adjustment documents shall contain the original as well as new legal descriptions and shall be effective upon being filed by the city with the county assessor and recorded with the county auditor. Said filing can also occur by the applicant at the city's direction. A copy of the recorded Boundary Line Adjustment shall be furnished to the city.

(Ord. 456, 1985) (Ord. 795, 2001)

Section 17.08.050 Re-divisions.

Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, shall not be further divided in any manner until a final plat thereof has been approved and filed for record pursuant to regulations concerning the subdivision into five or more lots, tracts or parcels. When the original subdivision contains less than four lots, the above prohibition shall not apply to the creation of additional lots not exceeding a total of four.

(Ord. 456, 1985)

Section 17.08.060 Withdrawals.

Where there have been no sales, gifts, leases, conveyances or other transfers of ownership or interest of any lots in a short subdivision, nothing contained in this chapter shall prohibit a sub-divider from completely withdrawing the entire short plat and thereafter presenting a new application. Such withdrawal shall be approved by the city and filed for record with the county auditor.

(Ord. 456, 1985)

Section 17.08.070 Application— Forms.

A. Preliminary Approval. The original and six copies of the application for preliminary short subdivision approval shall

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be submitted to the city land use coordinator on forms prescribed by the planning agency and containing such information as required to implement this chapter.

B. Final Approval. The original and six copies of the final short plat map shall be drawn on reproducible mylar capable of reproduction, eighteen inches by twenty-four inches in size and bearing the following information:

1. The legal description of the land contained in the short subdivision and of the contiguous parcel from which the short subdivision is to be segregated;
2. The boundary lines of the short subdivision and of the lots within it, showing the full extent of the parcel from which the short subdivision is to be segregated;
3. The length and bearing of short subdivision boundary lines;
4. The location of monuments or evidence used as ties to establish the short subdivision boundaries;
5. The location, dimensions, names and auditor's file numbers of all easements and/or streets within or adjoining the short plat, and the purpose thereof,
6. The location of all existing improvements and major natural topographic features within the short subdivision;
7. Dedications or owner's consent of the short plat, signed by the owners of the property;
8. The boundaries and locations of all parcels dedicated to the public or reserved for community use; and
9. The city-assigned plat number;
10. Plat approval date line;
11. Approval block with Mayor and City Planning Official signature lines and a line for the City Clerk-Treasurer to attest to the signatures of the city officials; and
12. The following certificates and declarations:

a. Surveyor Certificate.

This plat correctly represents a survey made by me or under by direction in conformance with the requirements of

the City of Langley and the Washington State Survey Recording Act, in the month of _____, 20____.

_____signature and seal
_____ certificate number

C. Treasurer's Certificate.

All taxes levied which have become a lien upon the lands herein described have been fully paid and discharged according to the records of my office, including taxes for the current year, 20____.

Island County Treasurer

D. Auditor's Certificate.

Filed for record this _____day of _____20____, at _____ in Vol. _____of Short Plats, page(s) under Auditor's file No. _____ Records of Island County, at the request of the City of Langley.

E. Acknowledgment.

State of Washington)
Island County)

This is to certify that on this _____ day of _____ 20____ before me, the undersigned, a Notary Public in and for the State of Washington duly commissioned and sworn, appeared _____to me known to be the individual(s) described in and who executed the foregoing instrument and acknowledged to me that signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes mentioned herein.

Notary Public in and for
the State of Washington residing at

F. Owner's Consent.

Know all men by these presents that the undersigned sub-divider(s) hereby certify that this short plat is made as

_____ free and voluntary act
and deed.

Owner's Signature Owner's Signature

Mortgage or Lien Holder's Signature

G. Such documents or other information as may be required by the planning officer to demonstrate compliance with and/or satisfaction of all terms and conditions of preliminary approval;

H. All improvements required pursuant to the terms and conditions of the preliminary approval shall be completed and/or secured by financial means approved by the city for completion before final approval will be granted. If financial security is established for improvements, those improvements shall be completed before issuance of any building permits on the property that was short-platted. Where completion of required improvements has been secured by a bond or cash surety, final short plat approval is valid for one year, with one extension for a one-year period with a showing of good cause. If the improvements have not been completed at the end of the one or two year period, whichever applies, the final short plat approval is voided.

(Ord. 456, 1985) (Ord. 834, 2003)

Section 17.08.080 Application— Review— Preliminary approval.

A. If the planning officer determines that the application for a short subdivision approval contains sufficient data and information to furnish a basis for review, and that all fees have been paid, the land use coordinator shall:

1. Forward copies of the application to appropriate staff and other appropriate agencies, within ten calendar days following receipt of a copy of the application; and

2. Cause notice of the application to be sent to all adjacent property owners and notice to be posted in a conspicuous location on the subject property.

B. The planning officer shall determine that the proposed short plat subdivision does or does not conform to the comprehensive plan, shoreline management plan, and current land use and zoning requirements.

C. The city engineer shall notify the planning officer that the proposed roads, utilities, drainage facilities and other improvements do or do not conform to adopted development standards and establish the adequacy of legal descriptions and the ownership of the property proposed to be subdivided.

D. Other agencies, such as the fire department, shall provide comments on applicable considerations as requested by the planning officer.

(Ord. 456, 1985)

Section 17.08.090 Grant or disapproval conditions— Appeals.

A. Within the one hundred-twenty (120) days, the planning officer shall act on the application, as follows:

1. Grant preliminary approval of the short subdivision; or

2. Disapprove the preliminary short subdivision; or

3. Grant preliminary approval of the short subdivision subject to conditions and completion of specified improvements; or

4. Return the short subdivision to the applicant.

B. The decision of the planning officer shall be based upon reports of reviewing agencies, comments received during the review period, the requirements of this chapter, and all other relevant facts and information needed to determine that the public use and interest will be served by the short subdivision.

C. The sub-divider or his/her agent shall be notified in writing of the planning officer's decision. In the case of disapproval or return of the application, specific reasons shall be given.

D. Appeals of the planning officer's decision on an application for preliminary approval shall be filed in accordance with the procedures and requirements set forth in LMC 18.36.120. In computing the twenty-

one day appeal period, the date that the planning officer's decision is issued shall not count for purposes of the twenty-day period. If the last day of the appeal period falls on a Saturday or Sunday or designated national holiday, the last day of the twenty-one day period shall be deemed to be the following working day.

E. Preliminary approval of an application shall be valid for twelve months. During such period, the conditions of approval, if any, must be fulfilled and required improvements completed. Upon written request, filed within twelve months and upon good cause shown, the planning officer may grant one additional twelve-month time period.

(Ord. 535, 1989; Ord. 456, 1985) (Ord. 834, 2003)

Section 17.08.100 Review for final approval.

A. When the applicant has prepared the materials necessary to comply with the requirements for final approval as set forth in this chapter, and the conditions as specified in the approved preliminary short subdivision, an application for final approval can be submitted to the city for processing.

B. The procedures for review of final short subdivision applications and the time limitations shall be the same as those specified in Sections 17.08.070 and 17.08.080 of this chapter.

(Ord. 456, 1985) (Ord. 834, 2003)

Section 17.08.110 Standards for review.

A. The Planning Officer, in making a decision on the application, shall be guided by the standards provided in this chapter and shall make the following findings:

1. The preliminary short subdivision meets the requirements of and is consistent with the Langley Municipal Code and the City's Comprehensive Plan.

2. The preliminary short subdivision makes adequate provision for development of the subject property in a manner consistent with the State Growth Management Act designation of the city as

an urban growth area, including the clustering of lots. Lots may be reduced in size below the minimum for the zoning district as long as the total number of lots in the short plat does not exceed the number allowed by the zoning district.

3. The preliminary short subdivision makes adequate provisions for open space, drainage ways, streets and other public ways, water supply, and sanitary wastes, and pedestrian circulation in order to, among other things, to assure safe walking conditions for students who walk to and from school..

4. The preliminary short subdivision or development is beneficial to the public health, safety, and welfare and is in the public interest.

5. The preliminary short subdivision or development does not lower the level of service of transportation below the minimum standards adopted within the Comprehensive Plan, unless improvements or strategies to raise the level of service above the minimum standards are made concurrent with the development.

For the purpose of this section, "concurrent with development" is defined as the required improvements or strategies in place at the time of occupancy or a financial commitment in place to complete the improvements or strategies within six (6) years.

B. Survey Standards. A boundary survey, conducted by or under the supervision of a registered land surveyor, shall be made of all short plats submitted for final approval and recording. The surveyor shall certify on the short plat that it is a true and correct representation of the lands actually surveyed.

1. All surveys shall conform to standard practices and principles for land surveying.

2. All permanent monuments within the short subdivision shall be located and described.

3. All permanent monuments and markers shall be shown on the face of the short plat.

C. Improvements to Property.

1. The responsibility for providing the property improvements (water, sewage, streets, drainage, etc.) shall generally be the applicant's. Latecomers' agreements may be appropriate where other properties are benefited from the improvements.

2. Requirements for improvements to the property are established in the city's development construction standards (Title 15 LMC).

(Ord. 456, 1985) (Ord. 699, 1999)(Ord. 834, 2003)

Section 17.08.115 Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning officer as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this code.

Diversity and originality in layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Officer shall evaluate proposals to determine whether the proposed conceptual preliminary plat:

A. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the City for essential infrastructure or active or passive recreation amenities) and maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds (reference: Chapter 16.20 LMC).

B. Minimizes conflicts between residential and agricultural uses.

C. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads and establishes buffer zones along public roads by maintaining existing screening vegetation or by establishing a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers.

D. Minimizes impacts on large woodlands, especially those containing mature trees, significant wildlife habitat and

those with highly erodible soils with slopes greater than 15 percent.

E. Minimizes impacts on scenic views and vistas as seen from public roadways.

F. Landscapes common areas, cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.

G. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties, public facilities, and activities or special features within the neighborhood open space system. All roadside footpaths would connect with off-road trails, which in turn, should link with existing or potential open space on adjoining parcels, where applicable.

H. Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that resource areas are not divided into numerous small parcels located in various parts of the development. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potentials open space land on adjacent parcels, and shall be designed as part of larger contiguous and integrated greenway systems.

(Ord. 699, 1995) (Ord. 834, 2003)

Section 17.08.120 Dedications and reservations.

No short subdivision shall be approved unless adequate provision is made for such drainage ways, streets, and other general purposes as may be required to protect the public health, safety and welfare. Provisions for such uses may be made by dedicating land for public use, by reserving land for future public acquisition and development, or by conveying land or easements therein to nonprofit corporations for use by all or a limited segment of the public. All dedications and reservations shall be recited on the face of the short plat as well as

incorporated in such documents as may be needed to reflect the assignment of interest.
(Ord. 456, 1985)

Section 17.08.130 Procedure for dedications.

Lands shall be deeded to the public by quitclaim deed. Refusal of the city council to accept a dedication shall not be grounds for disapproval of the short plat submitted for final approval and recording by the planning advisory board, unless the sub-divider will not otherwise provide required dedication or reservation.
(Ord. 456, 1985)

Section 17.08.140 Recordation.

Upon final approval of a short plat, the city or, at the city's request, the applicant shall forward an original mylar and one reproducible mylar of the short plat and associated documents to the county auditor for recording. A copy of the recorded mylar and two paper copies shall be delivered to the city
(Ord. 456, 1985) (Ord. 834, 2003)

Section 17.08.150 Enforcement.

In the enforcement of this chapter, the city attorney may petition the superior court for injunctive relief. An assurance of discontinuance may be accepted by the city attorney of any act or practice deemed in violation of this act from any person engaging in or who had engaged in such acts or practices. Any such assurance shall be in writing, and shall be filed subject to approval of the Island County Superior Court. The violation of such assurance shall constitute prima facie proof of a violation of this chapter.
(Ord. 456, 1985)(Ord. 834, 2003)

Section 17.08.160 Violation— Penalty.

Violation of or failure to comply with any of the provision of this chapter 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 Section 1.14.050(5).
(Ord. 456, 1985) (Ord. 832, 2003)