

CITY of LANGLEY

Ordinance # _____

WHEREAS, the City of Langley has adopted a Comprehensive Plan that sets forth the goals and objectives by which development within the City is governed; and

WHEREAS, the City has adopted a Zoning Ordinance to implement its Comprehensive Plan; and

WHEREAS, certain changes are necessary from time to time to ensure that zoning and development regulations are consistent with City goals and policies; and

WHEREAS, RCW 36.70A (the Washington Growth Management Act) allows for amendments to a jurisdiction's zoning and development regulations, provided that such amendments are consistent with the jurisdiction's Comprehensive Plan; and

WHEREAS, the amended zoning regulations set forth herein are deemed to be consistent with the City of Langley Comprehensive Plan;

NOW, THEREFORE, the City of Langley hereby ordains as follows:

That Section 18.10 Fairgrounds Overlay District, be amended as follows:

18.10.030 Geographic applicability.

The provisions of this chapter shall apply solely to the area located on the westerly side of Langley Road as identified on the official zoning map, constituting that area owned by Island County, with an underlying zoning designation of P-1, Public Use and operated by the Island County Fair Association a public or non-profit agency.

AND

That Section 18.01.040 Definitions, be amended as follows:

“Brewery” means a business licensed by the State of Washington that makes and sells beer at wholesale or retail, and includes an on-site location for consumer tasting and purchase.

“City forester” means a paid or volunteer position appointed by the mayor and confirmed by the city council to perform the duties required to implement and administer the provisions of this chapter. The city forester shall have demonstrated education and/or professional experience necessary to fulfill the duties as assigned. A certified arborist is preferred, but not required, to fill the city forester position.

“Distillery” means a business licensed by the State of Washington to make and sell alcoholic beverages at retail or wholesale, and includes an on-site location for consumer tasting and purchase.

“Hazard tree” means any tree, or part thereof, that the city forester or a certified arborist determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to people or property in the event of failure. The determination of “hazard” does not require the judgment that a tree is in danger of imminent failure.

“Street setback” or “front-yard setback” means the minimum distance required for buildings to be set back from the street lot line. Street setbacks apply to both public and private streets. For corner lots, the street setback applies to both streets. For through lots, the street setback applies to either frontage. The Planning Official shall have the authority to reduce street or front yard setbacks for corner lots or through lots by up to fifty (50%) percent, upon a finding that such reduction is consistent with the intent of this code.

“Winery” means a business licensed by the State of Washington that makes and sells wine at wholesale or retail, and may include an on-site location for consumer tasting and purchase.

“Wellness Retreat” means a facility intended to provide a broad range of wellness activities or services within a single compound. Accessory uses for a Wellness Retreat may include lecture halls, medical clinics, lodging, restaurant, or event space. If located in the RS 15000 zone, a wellness retreat shall be located on a lot of not less than five (5) acres of land, and shall include a buffer of not less than one hundred (100) feet from any lot with an existing dwelling.

AND

That Section 18.09.010 Land Use Table, be amended as follows:

CITY OF LANGLEY	ZONING DISTRICTS							
	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*
Accessory Dwelling Unit	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	X
<u>Brewery</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Winery</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>CU</u>	<u>X</u>
<u>Wellness Retreat</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>
<u>Distillery</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

AND

That Section 18.22.020 Landscape design and tree retention, be amended as follows:

I. Tree Retention and Protection.

1. A plan of all existing significant trees shall be provided with applications for development subject to these standards.
2. Where feasible, projects shall be designed to avoid the removal of significant trees without diminishing allowed uses, densities and intensities or the function of the proposed development through development clustering or other site design techniques. Safety, solar access for active and passive solar design and local food production will also be considered as part of review of the tree retention plan.
3. Projects may be required to preserve significant trees with a native growth protection area when the tree preservation is determined to be commensurate with the project's impact or voluntarily by the applicant.
4. No significant tree may be removed from any property without first obtaining authorization from the city planning official following consultation with the city forester. In lieu of consultation with the city forester, the planning official may accept written consultation from a certified arborist selected from the approved Island County list. Any significant tree removed shall be replaced with an appropriate species. Consultation with neighbors is encouraged to avoid conflicts with views and infrastructure. A significant tree may be authorized for removal based on the following criteria:
 - a. The tree has been deemed hazardous by a certified arborist.
 - b. The tree is dead or dying. Confirmation from a certified arborist may be required.
 - c. The property owner desires solar access for passive or active solar energy or for agricultural purposes upon a showing that removal of the tree will significantly increase solar access.
 - d. View Preservation or Retention. The city may authorize the removal of significant trees(s) for view preservation and retention upon determining that it is not feasible to retain the tree and preserve or retain the view through pruning. Any significant tree removed must be replaced with two additional trees in suitable locations that will not

block views from the subject property in the future unless determined by the planning official to not be reasonable or feasible.

e. Approved site development including structures, driveways, parking areas and walkways.