CITY OF LANGLEY DRAFT COUNCIL AGENDA

***Tuesday, February 18, 2019 5:30 PM

1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call
2. APPROVAL OF AGENDA
3. CONSENT AGENDA (See below)
   a. Council Meeting Minutes of 2-3-20.................................................................1-2
   b. Approval of Claims warrants Nos.38967-38997and EFTs in the amount of $25,500.66
   .................................................................3-15
   c. Approval of payroll warrants Nos. 38903-38910 and direct deposit run (1st Jan 2020 payroll)
in the amount of $42,388.96 and Nos. 38936-38939 and direct deposit run, (2nd Jan 2020
payroll) in the amount of $35,805.99.................................................................16-17
4. RECOGNITION/APPRCIATION
5. COMMISSION AND BOARD REPORTS/PRESENTATIONS
   Island Shakespeare Festival
6. CITIZEN COMMENTS *
7. UNFINISHED BUSINESS
   a. Ordinance 1067 Creating and adopting LMC 2.5.9 establishing a Public Works Advisory
      Committee – adoption.................................................................18-20
   b. Ordinance 1065 amending Chapter 18.20 LMC entitled Planning Agency- 1st read.....21-28
   c. Staff report regarding the Shoreline Master Plan public participation..............................................29-33
   d. Request for addendum to Coles Valley Neighborhood MOU.................................................34
8. STAFF REPORTS
   a. Community Planning
   b. Public Works
   c. Police
   d. Finance
9. MAYOR'S REPORT
10. NEW BUSINESS
    a. Council correspondence re: Water & Sewer participation fees for ADU’s............................35-38
    b. Ordinance 1068 repealing and replacing LMC Chapter 9.05, Fireworks; providing for
       severability; and establishing an effective date – 1st reading........................................39-48
    c. Authorization for Mayor to prepare a letter of authorization for a GMA residential building
       capacity grant application.................................................................49-61
    d. Resolution declaring Library Gardens as a Memorial to Rene Neff…(to be distributed)
11. COUNCIL REPORTS
12. DISCUSSION ITEMS
    a. Continuation of Council review of Chapter 2 LMC.................................................................62-87
13. ADJOURNMENT

*Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please
state your name and address so this can be recorded, and limit your comments to 5 minutes. Questions will be
answered immediately if the answer is brief, and the information is available. Otherwise, answers will be provided
as soon as possible. Thank you for participating! If reasonable accommodation of a disability is needed please
contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.

Statement regarding Potential Conflicts of Interest - Officials, employees, consultants, volunteers and vendors are obliged to withdraw from
any involvement in a matter where there is a conflict or perceived conflict, even if they feel certain they can act impartially. If a conflict, or
potential conflict exists, the affected party shall declare so at the first public meeting when the matter is being considered. And shall withdraw
from the meeting or future meetings for the duration of the discussion of the issue.

Langley is a Civility First City
Council Meeting Minutes  
February 3, 2020  

Mayor Callison called the meeting to order at 5:30 PM. Present were City Council Members Peter Morton, Craig Cyr, Thomas Gill, Dominique Emerson and Christy Korrow. Also present were Community Planning Director Brigid Reynolds, Public Works Director Stan Berryman, and Finance Director/Clerk Debbie Mahler. Police Chief Don Lauer was absent. Mayor Callison led the flag salute.

**MOTION:** To approve the agenda as amended. Approval of contract with the Langley Methodist Church regarding public use of their parking lot was added to New Business. Motion - Emerson, 2nd - Morton. Motion carried.

**MOTION:** To approve the consent agenda. Motion - Emerson, 2nd - Gill. Motion passed.

**CONSENT AGENDA**

Council meeting minutes of 1/21/20  
Approval of claims warrants Nos 38942-38962 and EFTs in the amount of $51,310.47  
Approval of Annual Amplified Music Permit application – The Machine Shop

**RECOGNITION AND APPRECIATION**

Councilmember Emerson expressed the Council’s appreciation and gratitude to Mayor Callison for all his work on the Rural economic development and the infrastructure project. She presented him with a plaque and carrying case.

**COMMISSION AND BOARD REPORTS/PRESENTATIONS**

*Langley Library* – Librarian Vicky Welfare reported that the library has been hopping busy, especially with the latest power outages. Nascan night is this Thursday Feb 6 at 6:30. This Saturday a concert at the library, songs of love. Saturday, Feb 15th at 11 AM will be a Humanities Washington program from Michelle Liu who will invite discussion on how fiction shapes our emotional connections to painful parts of American life, and how it can help us build more empathy and understanding towards others.

**CITIZEN COMMENTS**

Fred Lundahl spoke representing the Chamber of Commerce. He explained that the sign board at Maxwelton Road and Langley/Camano Avenue blew down in the snow and storms. Chamber decided not to put it back up. There are other signs throughout town that will be used instead.

**MAYOR’S REPORT**

Mayor Callison reported that he attended the COG, IRTPO and Law & Justice meetings in Coupeville on the 22nd of January. On the 23rd, he participated in an Economic Development Council meeting and on the 24th had an infrastructure meeting with concerned citizens. On January 28th the Pack 57 Webelos visited City Hall and the mayor gave them a full tour.
NEW BUSINESS

Coles Valley Development update – Brigid Reynolds explained the Council had directed staff to prepare a Memorandum of Understanding (MOU), with the developer, South Whidbey LLC, to continue to move the alternative development forward. The MOU was written by the City’s attorney. This is to outline the procedural steps to move forward and outlines both the City and the developer’s roles and responsibilities. The developer’s consultants will start drafting development codes for the City to consider after scheduling a community workshop for public input on Wed, Feb 26th. On the 27th the consultants will be here and would like a working meeting with Council on from 9-10 AM. The content of the MOU was discussed for some time. Council requested some slight amendments to the language of the MOU.

Ordinance 1067 creating a Public Works advisory committee

MOTION: To bring to a first reading, Ordinance No. 1067 creating and adopting a new Chapter 2.59 of the LMC relating to the establishment, purpose, responsibilities, membership and meetings of a Public Works Advisory Committee. Motion - Emerson, 2nd - Morton. Motion carried without opposition.

Ordinance 1066 re general obligation bonds

MOTION: To waive the two reading requirement and pass Ordinance 1066 relating to contracting indebtedness; providing for the issuance, sale and delivery of not to exceed $4,000,000 aggregate principal amount of unlimited tax general obligation bonds as authorized by the qualified voters of the City, fixing or setting parameters with respect to certain terms and convenes and appointing the City’s designated rep to approve the final terms of the sale of the bonds. Motion - Emerson, 2nd - Gill. Motion was unanimously approved.

Parking lot agreement with Methodist Church. This is a renewal and extension of the existing agreement for use of the Church parking lot for public purposes.

MOTION: To approve the parking agreement. Motion – Morton, 2nd – Emerson. Motion carried with all in favor.

COUNCIL REPORTS

Christy Korrow reported that she has resigned from the North Puget Sound Behavioral Council board. Meetings were in Mt Vernon for 3 hours at a time. There are other Island County representatives on the board. On Jan 24th, she attended the citizen infrastructure meeting at City Hall. She felt it was a very good, productive meeting. Dominique Emerson attended a Jan 31st Fairgrounds Advisory Committee meeting. Dominique reported that the Fairgrounds has no director right now, so projects are moving slowly. The Port plans to put up plaques recognizing contributors to the buildings on the fairgrounds. Black box theater improvements are complete. They are having to revise the design for the commercial kitchen to be more affordable as bids came in way exceeding the budget. Craig Cyr toured the Island Transit facility. He also enjoyed the Sound Water Stewards event and took three classes there. Craig was impressed with the amount of data they had available. He also attended a Save the Children meeting earlier today and registered some 18-year old’s to vote. Peter Morton said it has been a busy week on
environment; he participated in a climate change presentation to COG and 4 separate climate events in Snohomish County and where they are interested in what Langley has done. He received a copy of the Everett climate action plan with targets. He also attended the Sound Water Stewards and videotaped several sessions. The keynote speaker spoke about whales. They have placed cameras on whales with suction cups. It was an astounding presentation.

The meeting was adjourned at 6:41 PM.

Respectfully submitted,

[Signature]
Debbie L. Mahler, Clerk/Finance Director
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**Total:** $439.35

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**Total United Business Machines**

Total Invoices: $18,414,900

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**United Business Machines**

Total Technical Systems, Inc.

Total Invoices: $1,606

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**Technical Systems, Inc.**

Total Skagel Farms

Total Invoices: $46,57324

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**Skagel Farms**

Total Invoices: $46,57324

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2020 - February - And Council 2/18/2020

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Jan 16, Feb 2020 Whitel River 0111903, 0117097, 011839, 0118677, 176633
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**STATE TREASURER**

**PAYROLL VENDOR**

**CITY OF LANGUAGE**

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<thead>
<tr>
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CITY OF LANGLEY WASHINGTON
ORDINANCE NO. 1067

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, CREATING AND ADOPTING NEW CHAPTER 2.59 OF THE LANGLEY MUNICIPAL CODE RELATING TO THE ESTABLISHMENT, PURPOSE, RESPONSIBILITIES, MEMBERSHIP AND MEETINGS OF A PUBLIC WORKS ADVISORY COMMISSION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council for the City of Langley desires to create a Public Works Advisory Commission (PWAC) to act in an advisory capacity to the Public Works Department, Mayor, and City Council on matters related to city utilities; and

WHEREAS, the City Council desires that the PWAC, in consultation with Public Works staff, make recommendations on items critical to supporting city utility operations and infrastructure; and

WHEREAS, among other responsibilities the PWAC will provide review and advice on Public Works planning and budgeting matters, and assist in prioritizing Public Works projects, through both public meetings and PWAC review;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New LMC Chapter 2.59 (Public Works Advisory Commission), Created and Adopted. A new Langley Municipal Code (LMC) Chapter 2.59, to be entitled “Public Works Advisory Commission,” is created and adopted to read as follows:

Chapter 2.59
PUBLIC WORKS ADVISORY COMMISSION

Sections:
2.59.010 Created - Purpose.
2.59.020 Responsibilities.
2.59.030 Membership and terms.
2.59.040 Meetings.

2.59.010 Created - Purpose.
The Public Works Advisory Commission (PWAC) is created to support and act in an advisory capacity and make recommendations to the City Council and Mayor on policy matters related to support of City utility operations and infrastructure, in consultation with Public Works staff. The PWAC advises on planning, budgeting and
prioritizing projects through both public meetings and PWAC review.

2.59.020 Responsibilities.
A. The PWAC shall be responsible to advise and make recommendations to the City Council and Mayor following review of certain Public Works issues. The PWAC shall:
1. Provide support related to review and update of Public Works Policies and Procedures as those policies and procedures relate to procurement, budget and resource planning;
2. Assist staff with planning, budgeting, and prioritizing projects, through both public meetings and review, included in the City's Capital Improvement and Transportation Improvement Plans (CIP/TIP);
3. Provide a quarterly Analysis of CIP/TIP in relationship to budget and after-action evaluation of projects;
4. Participate in the review and update of the Utility Plans and the Utilities Element of the Comprehensive Plan and provide opportunities for related public comment;
5. Assist staff by providing a citizen sounding board in structuring the annual Utility Rate Fee Schedule proposed updates; and
6. Provide support for other items critical to supporting utility operations and City infrastructure as may be requested by the Public Works Department, Mayor or the City Council.

B. PWAC recommendations to the City Council shall not supplant administrative advice on policy issues but rather serve to supplement administrative advice. The PWAC and its members shall not interfere with administrative Staff functions involving the day to day operation of City utilities.

2.59.030 Membership and terms.
A. The PWAC shall be comprised of a total of five members, consisting of a non-voting chair from the city council, and three voting members and one non-voting alternate who are not on the City Council. Citizen membership in the Commission shall broadly represent the diverse interests of Langley residents, businesses, and residents of areas outside Langley that receive utility services from the Langley Public Works Department. Accordingly, the PWAC shall seek citizen representation from those that pay Langley Water Bills. Pursuant to LMC 2.34.030, a majority of citizen members shall reside within the City limits unless otherwise provided for herein.

Pursuant to LMC 2.34.080, the Mayor shall assign a staff member to the PWAC to provide technical expertise and staff support
B. PWAC members shall serve for three years from the date of their appointment. Terms shall be staggered so that no more than two positions need be filled in any one year. The Mayor shall determine which initial members will serve one-year, two-year and three-year appointments.

2.59.040 Meetings.
The PWAC shall meet regularly on at least a monthly basis and shall adopt and publish policies regarding the time, place, and frequency of meetings, and adopt rules of procedure governing the conduct of such meetings. If there is no business to conduct, a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the PWAC deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days from the date of publication.


CITY OF LANGLEY

Tim Callison, Mayor

APPROVED AS TO FORM

Michael R. Kenyon, City Attorney

Published:_____________________

ATTEST

Debbie L. Mahler, City Clerk
Staff Report

To: Council
From: Brigid Reynolds, Director of Community Planning
Meeting Date: February 18, 2020

Purpose
To receive the staff report with findings of facts and conclusions of law for Ordinance No. 1065, Planning Advisory Board membership and PAB public hearing minutes.

Background/Discussion
The purpose of this code amendment is to expand the PAB membership residency requirements.

requirements outlined in the LMC restrict membership to people living in Langley. The code permits that one member may live in the UGA. State statute does not establish a residency requirement and numerous other jurisdictions do not have residency requirements.

Expanding the membership has been discussed with PAB and others in the past. As the UGA is now much reduced there is an even smaller pool from which the City may draw upon. There have been a few instances where people have expressed interest and in a couple of cases these people have specific land use, community planning and architectural expertise. However, due to the residency requirements they could not apply.

Council received the initial proposal to amend the PAB membership requirements on November 18, 2019 and unanimously passed the following motion:

To bring forward a motion to amend LMC 18.20.090.

An ordinance has been prepared and a public hearing was held on February 5, 2020. It is attached to the staff report.

Planning Advisory Board Suggested Findings of Facts

1. RCW 35A.63.020 establishes the regulation by which a city may establish a planning agency.
2. RCW 35A.63.020 does not establish residency requirements for planning agency membership.
3. Title 18 of the Langley Municipal Code (LMC) is intended to implement the Comprehensive Plan and generally service the public health, safety and welfare of the City of Langley.
4. Chapter 18.20 LMC establishes the Planning Advisory Board as well as its roles and responsibilities.
5. The Board was originally established in 1989 by Ordinance No. 527.
6. The PAB is an important volunteer board as it advises Council on land use and planning related matters.
7. Section 18.20.090 establishes the residency requirements for PAB membership which are the most restrictive of all boards and commissions.

8. Section 18.20.090 states that Four voting members and the alternate must reside either within the city of Langley, or a maximum of one may reside within the unincorporated urban growth area (UGA), as defined by the most current adopted comprehensive plan map. (Ord. 906, 2008)

9. The Comprehensive Plan, adopted in 2018, significantly reduced the size of the unincorporated urban growth area.

10. As a result, the pool of potential members has been reduced.

11. The City has been challenged with finding enough PAB members to ensure meeting quorums.

12. The proposed amendment will enlarge the pool by which community members may

Conclusions of Law

Based on the above Findings of Facts, the following Conclusions of Law have been made:

1. LMC Ch. 18.20.080 grants the PAB the responsibility to review and make recommendations to the City Council for the development or revision of land use regulations, including zoning code and Shoreline Master Program.

2. Council has the authority to approve or deny the proposed code amendments pursuant to LMC Ch. 18.36.050.B.

3. Following the open record public hearing on February 5, 2020 on the proposed code amendments, the PAB recommends that City Council adopt the findings of fact, conclusions of law, ordinance no. 1065 and related exhibits.

4. Any finding of fact deemed to be a conclusion of law is hereby adopted as such.

5. Any conclusion of law deemed to be a finding of fact is hereby adopted as such.

The minutes of the February 5, 2020 PAB meeting are attached.

Staff Recommendation

Following the close of the hearing and discussion by the PAB, the Board recommended the public hearing testimony, findings of facts report, and code amendment be forwarded to Council for its consideration of first reading of Ordinance No. 1065
City of Langley
PLANNING ADVISORY BOARD
MINUTES
FEBRUARY 5, 2020
LANGLEY CITY HALL
112 2nd Street, Langley WA

Attendance: Rhonda Salerno, Maralie Johnson, Tucker Stevens
Regrets: Burt Buesch, JR Fulton
Staff: Brigid Reynolds, Alex Cattand

1. The meeting was called to order at 3:02 PM
2. Rhonda agreed to chair the meeting
3. The agenda was approved
4. The minutes of December 11, 2019 were approved.
5. Public Hearing regarding amendments to Section 18.20.090.B. (Ord no. 1065)
   Rhonda opened the public hearing at 3:05 PM.
   Brigid introduced the proposed amendments to expand the membership of the Planning Advisory Board. PAB members discussed the importance of this amendment. No members of the public were in attendance.
   A motion to adopt the staff report for findings of facts and conclusions of law was made by Maralie and seconded by Tucker. All in favor.
   Public hearing was closed at 3:15 PM
6. Discussion Items:
   a. Shoreline Master Plan (SMP) update
Brigid presented the scope of work for the project and noted that the City has retained Watershed Company to review and revise the SMP. The update is pretty straightforward as we need to incorporate relevant RCW amendments. The City will be discussing sea level rise in its plan which is not required by the State, however Brigid feels that it’s a critical issue and should not be ignored.

She said a public workshop will be held in late March/early April that will introduce the update and have a more thorough discussion regarding sea level rise and how it can be incorporated into the update:

b. Coles Valley update

Brigid introduced the proposed process to update the Municipal Code that would enable the Coles Valley developer to be able to make an application for a mixed-use development.

A public workshop is scheduled for February 26 in the evening and the consultant would like to meet with the PAB on February 27 to discuss

c. Development Code Amendments

Brigid didn’t have much to report on this issue as she’s been busy with other things.

Rhonda reiterated that the first step in amending the parking code is to eliminate the parking permit requirements in the code and also to eliminate the neighborhood parking signs that are located around the City as it essentially privatizes the public right of way.

Brigid will present more information on design guidelines at the next meeting.

7. New Business - none

8. Citizen comments – no citizens in attendance

9. Announcements – Tucker announced his resignation to the PAB. The meeting time of day is a problem for him as it conflicts with his work schedule.

10. The meeting was adjourned at 3:50

11. Next Regular Meeting: March 4, 2020
ORDINANCE 1065

AN ORDINANCE OF THE CITY OF COUNTIL OF THE CITY OF LANGLEY, WASHINGTON, AMENDING CHAPTER 18.20 OF THE LANGLEY MUNICIPAL CODE, ENTITLED “PLANNING AGENCY”

WHEREAS, the City of Langley has through the adoption of Chapter 18.20 of the Langley Municipal Code established a planning agency for the City consistent with 35A.63.020 RCW; and

WHEREAS, the Planning Official and the Planning Advisory Board collectively constitute the City of Langley’s planning agency, a designation that among other responsibilities establishes the Planning Advisory Board as advisory to the City Council on matters pertaining to the Langley Comprehensive Plan, land use regulations and some land use applications; and

WHEREAS, the residency requirements of the Planning Advisory Board state that four members and the alternate shall reside either within the city of Langley, or a maximum of one may reside within the unincorporated urban growth area (UGA), as defined by the most current adopted comprehensive plan map; and

WHEREAS, the current Comprehensive Plan adopted in 2019 reduced the size of the urban growth area considerably; and

WHEREAS, filling Planning Advisory Board vacancies has been challenging due to a lack of available and interested candidates; and

WHEREAS, there are no residency restrictions in the enabling statute;

WHEREAS, the draft code amendments were presented to City Council at its November 18, 2019 meeting;

WHEREAS, in accordance with RCW 36.70A.106, the City submitted its code amendments to the Department of Commerce for an expedited review and received confirmation from the Department of Commerce on December 4, 2019 of receipt of the required notice; and

WHEREAS, after due and proper notice, the Planning Advisory Board held a public hearing on February 5, 2020 to accept public comments on the code amendments. XXX people attended the public hearing and provided comments as reflected in the public hearing minutes; and

WHEREAS, the PAB considered the staff report and public comment received prior to issuing its findings of fact and recommendation to the City Council; and

WHEREAS, on February 5, 2020 the PAB issued written Findings of Fact and Recommendation (“Recommendation”), attached hereto as Exhibit A, wherein the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on February 18, 2020 the City Council in an open public meeting reviewed the recommendation of the PAB;
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings, Adopted. The City Council adopts the Planning Advisory Board’s Findings of Facts attached hereto as Exhibit A, as their own findings and conclusions pertaining to these issues.

Section 2. LMC Chapter 18.20 Amended. Chapter 18.20 of the Langley Municipal Code is hereby amended to read as is attached hereto as Exhibit B.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days from the date of publication.


CITY OF LANGLEY

________________________________________
Tim Callison, Mayor

APPROVED AS TO FORM

________________________________________
Michael R. Kenyon, City Attorney

ATTEST

________________________________________
Debbie L. Mahler, City Clerk
EXHIBIT B

Chapter 18.20
PLANNING AGENCY

Sections:
18.20.010 State statutes adopted.
18.20.020 Created – Responsibilities.
18.20.030 Planning official.
18.20.040 Planning official – Duties.
18.20.050 Planning official – SEPA official.
18.20.060 Planning advisory board – Created.
18.20.080 Planning advisory board – Duties and responsibilities.
18.20.090 Planning advisory board – Members.
18.20.100 Planning advisory board – Meetings.
18.20.110 Parks and open space commission – Planning agency duties and responsibilities.

18.20.010 State statutes adopted.

Chapter 35A.63 RCW is adopted by reference.

18.20.020 Created – Responsibilities.

Pursuant to Chapter 35A.63 RCW, there is created a planning agency of the city with the powers and duties prescribed in this chapter. The planning agency shall be comprised of the planning official, the planning advisory board, and under certain circumstances as specified below, the parks and open space commission. The planning agency shall be responsible, through its component parts, for:

A. Review and updating of the comprehensive plan for the city;

B. Information and administration of the land use regulations of the city;

C. Development of new land use regulations or revisions of existing land use regulations for consideration by the city council;

D. Preparation of reports and recommendations on land use applications including subdivisions, variances, conditional uses, shoreline permits and other related permits and environmental review;

E. Other related duties as designated by the mayor or the city council.

18.20.030 Planning official.

The head of the planning agency shall be known as the city planning official. The position shall be appointed by the mayor and shall be confirmed by the city council.

18.20.040 Planning official – Duties.

The planning official shall provide regular staff services to the planning advisory board and such staff services to the comprehensive plan group as the executive team of the comprehensive plan group may request. The planning official shall submit to the planning advisory board a report and recommendation
on all proposed land use regulations. The planning official shall convey to the city council the majority report of the planning advisory board, any minority report and the recommendation of the planning official on any proposed regulation which requires city council action as currently provided by ordinance.

18.20.050 Planning official – SEPA official.

The planning official shall serve as the responsible official pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW).

18.20.060 Planning advisory board – Created.

The city of Langley hereby creates a planning advisory board.

18.20.080 Planning advisory board – Duties and responsibilities.

The planning advisory board shall be responsible for the review and recommendation to the city council for the development or revision of land use regulations, including the zoning code and shoreline master program. The planning advisory board shall have such other powers and duties as contained in Chapter 35A.63 RCW and as provided by ordinance.

18.20.090 Planning advisory board – Members.

A. Number of Members. The board shall consist of five voting members and one alternate member. The alternate member shall attend meetings and participate in discussions and will vote when a regular board member is not able to attend a board meeting.

B. Residency. The Planning Advisory Board is comprised of four voting members and one alternate. Three Four voting members and the alternate must reside either within the city of Langley or a maximum of one member may reside within the unincorporated urban growth area (UGA) Joint Planning Area (JPA), as defined by the most current adopted comprehensive plan map; or may own a business in the City; or may be a professional (working or retired) with specialized knowledge on land use, architecture, planning and similar who lives within the 98260 zip code; or is employed in the City in a profession with specialized knowledge.

18.20.100 Planning advisory board – Meetings.

The planning advisory board shall meet at least once each month, or as often as feasible, in order to carry out the planning advisory board function and to minimize the delay in processing land use applications and planning documents. The board shall adopt and publish policies regarding the time, place, and frequency of meetings. If there is no business to conduct a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the board deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act.

18.20.110 Parks and open space commission – Planning agency duties and responsibilities.

The parks and open space commission shall be advisory to the city council on matters concerning long-range parks and open space planning, including amendments to the parks and open space element of the comprehensive plan.
Staff Report

To: Council
From: Brigid Reynolds, Director of Community Planning
Meeting Date: February 18, 2020

Purpose
To receive the Shoreline Master Plan (SMP) Public Participation plan.

Background/Discussion
As Council is aware the City has hired Watershed Company to assist with the update to the Shoreline Master Plan. One of the first requirements is that a public participation plan be prepared.

Attached is the Public Participation plan for the project for Council's information. The first public meeting will be held in April. This event will inform the community of the required updates to the SMP and we will discuss how we might incorporate Sea Level Rise into the SMP.

Emails will be sent out to the identified stakeholders informing them of the project and asking for any input they may have. Staff will also meet directly with some of the key stakeholders such as Nichols Brothers Boat Builders and the Port of South Whidbey to ask about their future plans.

Recommendation
To receive for information the SMP periodic update Public Participation Plan.
SHORELINE MASTER PROGRAM PERIODIC UPDATE
PUBLIC PARTICIPATION PLAN

Introduction
The City of Langley (City) is undertaking a periodic update of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (RCW 90.58.080[4]). The Shoreline Management Act requires each SMP be reviewed, and revised if needed, on an eight-year schedule established by the state Legislature. The review ensures that the SMP stays current with changes in laws and rules, remains consistent with other City plans and regulations, and is responsive to changed circumstances, new information and improved data.

The purpose of this Public Participation Plan is to describe how the City will encourage early and continuous public participation throughout the SMP Periodic Update. This Public Participation Plan includes several opportunities for public involvement in a variety of formats.

This plan is a working document and may be adjusted as needed over the course of the SMP Periodic Update to provide for the greatest and broadest public participation.

Public Participation Goals
- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the SMP Periodic Update.
- Encourage interested parties to review and comment on proposed changes to the SMP throughout the process and provide comments to decision-makers.
- Provide forums for formal public input at key project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and tribes.

Public Participation Opportunities
The City is committed to providing several opportunities for public participation throughout the process and will use a variety of methods to inform the public and encourage participation, including the following:
City Staff
At any time during the SMP Periodic Update, Brigid Reynolds, Director of Community Planning, can be reached with any comments or questions. She can be reached via phone at (360) 221-4246, extension 26, or via email at the following address: planning@langleywa.org

Website
The City’s website will be the primary repository of all information related to the SMP Periodic Update, including draft documents and notices. The City webpage for the SMP Periodic Update can be found at:

City Hall
In addition to the website, all documents under consideration will be available for review at Langley City Hall.

List of Interested Parties
The City will maintain a list of all parties interested in the SMP Periodic Update. The list will be used to notify interested parties at key process milestones. Interested parties can be added to the list by contacting City staff (see “City Staff” above for contact information).

Open Houses
The City anticipates holding two open houses during the SMP Periodic Update. The first open house will be held to inform the community about update considerations and process, and to hear any initial concerns. A second open house will be held after draft SMP amendments have been prepared to share work products and get feedback.

Planning Advisory Board & City Council Meetings
The Planning Advisory Board (PAB) will be the primary forum for the SMP Periodic Update. The PAB will consider the SMP update during its regularly scheduled monthly meetings. The Langley City Council will also consider the SMP Periodic Update during at least one meeting before final adoption. Both PAB and City Council meetings are open to the public.

Public Comment Periods & Public Hearings
The City plans to take advantage of the optional joint review process for SMP amendments, which allows for a joint state-local comment period and public hearing (WAC 173-26-104).

The joint state-local comment period will run concurrent with the comment period required pursuant to the State Environmental Policy Act (SEPA). Comments submitted during the joint state-local comment period will be reviewed both by the City and the Washington State Department of Ecology. No additional comment period will occur during state review.
2020
March  Initial stakeholder outreach
April   Open house #1
October Joint public comment period / SEPA comment period
          Open house #2
          Joint public hearing

2021
March   City Council adoption
A public hearing will be held during the joint-state local comment period.

**News Media**
The local news media will be kept up to date on the SMP Periodic Update and receive copies of all official notices.

**Stakeholders**
The City will coordinate with the following stakeholders on the SMP Periodic Update:

**State Government Stakeholders**
- Washington State Department of Ecology
- Washington State Department of Natural Resources
- Washington State Department of Fish and Wildlife

**Other Governmental Stakeholders**
- Port District of South Whidbey Island
- Island County

**Tribal Agencies**
- Tulalip Tribe
- Swinomish Tribe
- Stillaguamish Tribe

**Community Stakeholders**
- Langley residents and the general South Whidbey community
- Shoreline property owners
- City of Langley City Council
  - Parks and Open Space Commission
  - Historic Preservation Commission
  - Planning Advisory Board
  - Design Review Board

**Business Stakeholders**
- Nichols Brothers Boat Builders
- Langley business owners (especially those business owners and property owners located within the shoreline environment)
- Langley Chamber of Commerce

**Environmental Groups**
- Whidbey Watershed Stewards
- ORCA Network
- Beachwatchers
- Whidbey Environmental Action Network
- Langley Critical Areas Alliance

**Recreational Groups**
- Boaters
- Scuba divers
- Crabbers
- Recreational fishers

**Other Stakeholders**
- Commercial fishers

**Anticipated Timeline**
Following is the anticipated timeline for the project, highlighting key public participation opportunities. The timeline may be adjusted as the SMP Periodic Update moves forward. However, comments can be submitted to the City at any time during the project (see “City Staff” above).
South Whidbey, LLC
112 Ohio Street #102
Bellingham, WA 98225

Attn: Bob Libolt – Project Lead

Subject: Coles Valley Neighborhood MOU Addendum

Dear Kenneth,

In reviewing the MOU for the Coles Valley Neighborhood with the Langley City Council last night, it was pointed out that your commitment to develop permanently or perpetually affordable housing elements of your project while stated in the Developer Obligation section, in not stated in the Resolution section of the agreement.

As you have heard in previous preliminary discussions with the City, there is a great interest in assuring that there is inclusion of permanently affordable housing in the project. Although this issue will certainly be addressed in the new land use code and the eventual applications under this new code, we would be more comfortable with some stronger assuring language in the initial MOU.

A modified “WHEREAS” statement can alleviate this concern. For example “WHEREAS Developer has conceptually proposed a new mixed-use development concept to be constructed on the property that offers a variety of housing options (including permanently affordable homes and multi-family) residences for a range of incomes, ages and abilities within the City (“Project”); and”

If you agree to this change in the MOU language we can with your signature add this language change by addendum.

City of Langley

By: [Signature]
Tim Callison, Mayor

Dated: 2/10/2020

South Whidbey LLC

Kenneth D. Hertz, Partner

Dated: [Blank]
Dear Council Members and Mayor Tim,

I am writing regarding the studios on the ground floor of my house that I rent to young people/people in transition.

First, I want to thank you for turning a blind eye for the last few years to these studios, one being an existing MIL, the other a garage conversation done 4 years ago. I know you’ve known about them. I believe you flexed because you know my intention to provide workforce housing for the least cost to me and tenant, least impact on neighborhood and no extra stress on Langley sewer/water than a normal family household. I appreciate your tolerance.

Brigid has requested that I take the required steps to make it legal, as is her right and duty. I appreciate her tacit cooperation for several years.

Now, the discussion of the disincentives for affordable workforce housing in Langley policies can be discussed.

I believe the existing code unduly punishes me financially and discourages what I think is our best option for integrating younger, single, working people into our community.

There was no additional hook up for my rentals as they use the basic plumbing of the house. Three adults live in my 1900 SF house, about the same density as any family home. I could have 3 “roommates” who share my kitchen and there would be no hook-up charge, no inspection. I choose to give people their own bathroom and cook-top and separate entrance, and the story changes. I believe the simplest policy for affordable housing in Langley would be that on residential lots, the hook up fee is paid only once for the original house. There are no future additional fees for an in-house ADU. If the ADU increases water use, the city will benefit with additional income to the Water District.

To cover the nearly $3500 hookup fee, I would need to increase rents to people who are marginally able to pay, yet work in our larger community. With prior rentals now AirBnBs, it’s very very hard for younger people to move into our community. Most working-class millennials can’t afford a down payment much less a mortgage payment. Their only way “in” is as renters. In some ways the fee is a tax on poor people. It also, perhaps unintendedly, keeps people of lesser means out of the City.

Here are the people who have rented from me.

- 2 different school garden interns.
- a teacher at the farm school
- 2 different carpenters
- a chef at Prima
- a waitress
• a physician assistant
• a mom of a woman at the farm school
• a naturopathic student and massage therapist
• an actor
• a substitute teacher at the high school
• a man in cancer treatment
• a handyman at Careage
• an nurse’s aid
• a stage manager at Shakespeare Festival.

Where else would such people have been able to live?

Just this week two people approached me about my rentals (currently full). One is a birth doula. The other is a Board President for a local non-profit.

Aren’t these precisely the kind of people we want here?

I have had some doozies as well. A financial planner who stiffed me. A young man with a yard business who also stiffed me and left me with a mess. A young woman who fell off the wagon, got drunk, passed out and left a pot on the stove. So I’m not saying it's without challenge, but it's worth it to me because of my values.

We know the median age is drifting up and up. Do we want to be a geriatric NIMBY city? How are we going to welcome age and income diversity in our town? If you remove this hook up disincentive, I'll bet there are a dozen or more homeowners I could convince to partition their houses to provide studio or one-bedroom apartments. Look at the THINC group. Meeting for 3 years and no new housing yet to show for it. My garage apartment took a month to convert and I had renters right away.

Here are the benefits to homeowners:
1. you have someone in the house to help you in an emergency
2. you get a supplemental income
3. you are providing much needed long-term rentals for working people and people transitioning into our community
4. You can take some rent in trade and have help around the yard and house.
5. Many people are looking for duplex situations so they can pay their mortgage through their rental. This can make your house more desirable on the market.
6. Depending on your conversion choices, you could recover the remodel costs in a couple years and then it's all gravy.

Here's something else to consider. Very soon people from climate affected parts of the country will head to the northeast or northwest. The first wave will come with money and buy up houses, but after that people will come needing somewhere to live. What will we do here? Sink the ferry, blow up the bridge and hunker down? Or will we be able to absorb some of the internal refugees to the PNW. With a roof and warm welcome. I hope we can get ahead now of the challenges heading our way - and in a loving, intelligent way.

Our city and county need to think about what kind of place we want to be. I know many
Our city and county need to think about what kind of place we want to be. I know many people treasure peace and quiet and privacy and hopefully they can have what they need for the rest of their days. But many want to help people with less opportunity or starting out in life and consider age, race, cultural, religious diversity a plus. They want young families, servers in the restaurants, household and yard help as they age, good music, new kinds of food, farmers, cooks, doulas, music teachers, teachers.

We are a community of very smart people with good hearts. It saddens me that the solution I've offered for affordable rentals is dis-incentivized by the city. We could tuck in another dozen working class people within 6 months if we incentivized attached ADUs. I beg you to make Langley a model for others by getting these levers of ordinances and taxes going in the right direction.

Here are some possible next steps:
- Convene people with legal and not yet legal (surely more people than me - quietly and off the books - have ADUs). Understand our motives, our challenges, our suggestions for what is fair for us and for the city.
- Task the PAB to review ADU policies with an eye to affordable workforce housing to meet the immediate and urgent as well as longer term need.
- Host a town meeting with a proposal for more attached ADUs to understand what neighbors need to tolerate if not welcome them.

In my case, Brigid reports that I must retroactively permit the ADU I built in my garage. She wrote:
- Building permit fees for a remodel valued at $13,000 would be as follows:
  - Plan review fee $182.00 Due at the time of application
  - Building permit fee $286.50 Due at the time of building permit issuance.

Unfortunately, the builder for the ADU has moved away. I have no idea how to proceed. To hire someone to come in retroactively may be another several hundred dollars. If I can simply pay these fees without the building plans, I'm happy to do so. If the city can send the building inspector out to see that everything is good, for no extra charge to me, happy to have that. Unfortunately, the current tenant has the place full of boxes and possessions, so that might need to wait until he leaves.

I would like to delay payment of the $3486.75 water and sewer hook-up fees, assuming some policy change might happen. If you won't delay that fee, I'd like to go on an extended payment schedule to enable me to keep my rents as they are.

Thank you for your attention.
Vicki Robin

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Vicki Robin
Box 1501
Langley, WA 98260
206 769 3424 text
TO: Mayor Callison, City Council Members, Stan Berryman, Randi Perry

CC: Brigid Reynolds, Planning Advisory Board

DT: February 5, 2020

FM: JR Fulton

RE: Incentivize ADUs: Eliminate Water and Sewer Participation Fees for All Accessory Dwelling Units

- Langley has an acute and increasing shortage of rental workforce housing.
- The average age of a person in Langley is the oldest in all of Washington.
- A thriving and inclusive community has people of all ages and income levels living in community.
- The only housing solution is to “build our way of the housing shortage”. Langley can incentivize smaller, more affordable housing.
- Water and sewer connection fees adds cost burden that is transferred to renters.
- The added cost of water and sewer connection fees act as a disincentive and reduces the project feasibility of ADU projects in Langley.
- Water and sewer operating costs are covered by water and sewer use fees without any participation fees.
- The ADU participation fees are a very small piece of City income for water.
- By eliminating water and sewer participation fees, Langley would also be seen as a landmark State leader in creating workforce housing.

The simplest incentive to workforce housing that the City of Langley can do is eliminate all water and sewer participation fees for all Accessory Dwelling Units, in all residential zones. There should be only One Participation Fee per single family house or duplex property.

There are significant number of state bills currently under consideration to incentivize small housing. [https://www.sightline.org/2020/01/23/washington-could-raise-the-bar-for-statewide-action-on-housing/](https://www.sightline.org/2020/01/23/washington-could-raise-the-bar-for-statewide-action-on-housing/)

I am speaking as citizen of Langley and this does not represent the Planning Advisory Board.