CALL TO ORDER
   a. Flag Salute
   b. Roll Call

APPROVAL OF AGENDA

CONSENT AGENDA
   The CONSENT AGENDA consists of routine items that normally do not require further Council discussion. A council member may ask questions about an item before the vote is taken, or request that an item be removed from the Consent Agenda and placed on the regular agenda for more detailed discussion. A single vote is taken to approve all items remaining on the Consent Agenda.
   a. Approval of council meeting minutes of 2/16/16.............................................1-3
   b. Approval of claims warrants in the amount of $94,143.59...........................................4-12
   c. Confirmation of the Mayor’s appointment of Socorro Rodriguez to the Parks and Open Space Board
   d. Liquor Licenses – Tipsy Gourmet, renewal; Sphyop, restaurant lounge application..13-14
   e. Confirmation of the Mayor’s appointment of Brigid Reynolds as City Planner

RECOGNITION/APPRECIATION
   a. Chief Marks, 15 year service

COMMISSION AND BOARD REPORTS
   Library Report

CITIZEN COMMENTS *

MAYOR’S REPORT

UNFINISHED BUSINESS
   a. Mobile food vendor Ordinance No. 1026, 2nd reading/adoption....................15-19

NEW BUSINESS
   a. Ordinance amending Ord 969 and LMC 18.04 Permanently Affordable Housing Projects,
      1st reading.................................................................20-29

COUNCIL REPORTS

DISCUSSION ITEMS

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.
Langley City Council Meeting Minutes  
February 16, 2016

Mayor Callison called the meeting to order at 5:30 PM. Present were City Council Members Thomas Gill, Ursula Shoudy, Dominique Emerson and Rene Neff. Also present were Stan Berryman, Public Works Director; Jack Lynch, Interim Planning Director; Dave Marks, Chief of Police and Debbie Mahler, Clerk/Finance Director. Councilman Bruce Allen was absent. Mayor Callison led the flag salute.

MOTION: To approve the agenda. Motion - Shoudy, 2nd - Emerson. Motion carried unanimously.

MOTION: To approve the consent agenda. Motion – Neff, 2nd – Emerson. The consent agenda was approved with all in favor.

CONSENT AGENDA

a. Approval of council meeting minutes of 2-01-16
b. Approval of claims warrants Nos. 34197-34236 in the amount of $142,746.00
c. Approval of payroll warrants Nos. 34100-34118 (1/15/16) in the amount of $32,485.70 and Nos. 34155-34176 (1/31/16) in the amount of $59,454.78

COMMISSION AND BOARD REPORTS

Historic Preservation Commission - Bob Waterman reported that the commission has two vacancies on the commission and will have another soon. They commission meets monthly at City Hall. Langley is a certified local government with the State so that we can put properties on a local historic register. Bob went through the commissions responsibilities. Currently there are eight sites on the local historic register. They have put plaques on each site. The commission just created a new work plan for the year. They are trying to nominate several new sites for the register. The Commission is also collecting building biographies on older buildings. Bob has new material to add to the City’s website.

CITIZEN COMMENTS

There were no comments from the audience at this time.

STAFF REPORTS

Planning - Jack Lynch reported this is his last council meeting. He has been working on the comp plan and the code changes to implement the plan. The code amendments are particularly in the areas of housing size and diversity in types and zoning. Jack is working with the County on potential growth areas for the comprehensive plan. The County will hold a public hearing here in Langley to finalize the population growth estimates. The Whidbey Shuttle wrap should be up and running next month. The townhouse proposal on Cascade and 6th has submitted engineering and preliminary plans. Nichols Brothers would like to add additional buoys at their site here in Langley. This requires City, State and Federal approval. There was a Wellness Retreat project meeting last week. The Meadows Project may have some revisions to their plans.
Public Works - Stan Berryman reported that he received bids for a trailer mounted vacuum. He received only one bid, which was under budget and he has issued a purchase order for it. He has not received any bids for work on the structural issues at City Hall. Whidbey Tel will be bringing in fiber optics in March.

Police – Chief Marks reported that he has been doing background checks on the two candidates left for the two open positions. He is working on putting together an emergency management committee. They will continually work to keep our plan updated. The Chief had a trailer hitch mounted on his vehicle, so he will be able to tow emergency equipment and trailers. The Civil service board will meet to approve the final candidates after background checks. There are no openings at the police academy until June. However, they are trying to get us in during April if possible.

Finance - Debbie Mahler distributed financial reports for the month of January. Debbie also reported that Marlyne Ray, assistant treasurer is retiring at the end of the month after 25 years with the City. Cheryl Knighton the deputy clerk and utility clerk will take Marlyne’s place and we are hiring a new front desk person.

MAYOR’S REPORT

On Feb 2nd Mayor Tim met with Jonalyn Wolf, Executive Director of Sno-Isle Library System. On the 4th of February, he attended a community update meeting at the Whidbey Island Naval Air Station. They are building up the base over time. The base has $300 million of construction projects funded and moving forward. They are building a new hospital and other buildings. The Community Health and Improvement plan has been narrowed down to 16 issues, including affordable housing, mental health, substance abuse and domestic violence. On February 9th Tim met with the Second Street Market committee which will be open again for the summer. He also met with PSE and Asplundh about tree trimming procedures and the city’s permitting for tree removal. Mayor Tim also toured the trail on the Noblecliff property and met with County planners. The Economic development breakfast this morning was well attended.

UNFINISHED BUSINESS

MOTION: To approve the contract for the Clyde Alley archway artwork. Motion - Gill, 2nd - Neff. Motion was approved with all in favor. Work should start about the first of March and take two months to complete.

MOTION: To approve the addendum to the Firehouse Glass Works lease for an additional five years. Motion - Neff, 2nd - Gill. Motion was approved unanimously.

MOTION: To bring to a first reading an Ordinance amending Ordinance Nos 1009, 1017 and LMC 12.22 regarding mobile food vendors. Motion - Gill, 2nd - Neff. Previous ordinance was temporary for the first season. This amendment would make the ordinance permanent and adds a provision for inspection of food trucks by the Planning Director and a community member.
MOTION: To amend the proposed ordinance to require inspection by a member of the DRB with the Planning Director. Motion – Emerson, 2nd – Neff. Motion failed with Gill and Shoudy against. Mayor Callison broke the tie and voted against. Motion failed, and the original motion to pass the first reading was approved.

NEW BUSINESS

MOTION: To approve the Interagency agreement for road resurfacing for Cascade and approve funding of $16,850 from the General fund. Motion – Neff, 2nd – Gill. Motion passed with all in favor.

COUNCIL REPORTS

Rene Neff did a study and report of all possibilities for warming centers during extended power outages. Rene compiled a list of businesses with generators and which of those businesses provide service during power outages entitled “Temporary Electrical Outage Response Report”. Do not have one place that can hold lots of people or people overnight, but plenty of places that can be used during the daytime.

Dominique reported that she attended the Port meeting on February 9th where they approved commercial procedures; the kayaking company had suggestions and concerns around parking spaces. A parking plan is in process. A Parking plan for visitors is an issue that won’t be solved for a while. They are preparing the docks for large ships, i.e. Clipper, Whale tour boats, Hat Island ferry. They also stated that there is a potential for food trucks at events at the Fairgrounds. Thomas Gill reported that the Island County Substance Abuse Coalition met last month and will meet again next week.

The meeting was adjourned at 6:55 PM.

Respectfully submitted,

Debbie L. Mahler, Director of Finance/City Clerk
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Total Kington 2/16

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Total Kington, Cheryl

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Supplies

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298053826

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Total L-Com

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Total 16-URG-2-3

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Dispensartics/Corrugated

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Total L-Com

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16-URG-2-3

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LPP

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298054073

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Hansons Bigg, Supply

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863.73

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NOTICE OF LIQUOR LICENSE APPLICATION

WASHINGTON STATE LIQUOR AND CANNABIS BOARD
License Division - 3000 Pacific, P.O. Box 43075
Olympia, WA 98504-3075
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: http://lcb.wa.gov
RETURN TO: localauthority@sp.lcb.wa.gov
DATE: 3/03/16

TO: MAYOR OF LANGLEY
RE: NEW APPLICATION

UBI: 603-570-102-001-0001

License: 083496 - 3D County: 15
Tradename: SPYHOP

Loc Addr: 317 2ND ST
LANGLEY WA 98260-9729

Mail Addr: 5800 CAPT VANCOUVER DR
LANGLEY WA 98260-9746

Phone No.: 206-399-8199 DAN MORGAN

APPLICANTS:

THIRD PLACE ENTERPRISES INC

MORGAN, DANIEL MICHAEL
(Spouse) 1955-02-10

MORGAN, SUSAN
(Spouse) 1970-12-31

Privileges Applied For:

SPIRITS/BROWN REST LOUNGE +

As required by RCW 66.24.010(8), the Liquor and Cannabis Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you need information on SSN, contact our CHRI desk at (360) 664-1724.

1. Do you approve of applicant? ................................................................. YES  NO

2. Do you approve of location? ................................................................. YES  NO

3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? ................................................................. YES  NO

(See WAC 314-09-010 for information about this process)

4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based.

DATE ____________________________ SIGNATURE OF MAYOR,CITY MANAGER,COUNTY COMMISSIONERS OR DESIGNEE
CITY OF LANGLEY

Ordinance No. 1026

AN ORDINANCE OF THE CITY OF LANGLEY, WA AMENDING ORDINANCE NO. 1009 and 1017 AND LANGLEY MUNICIPAL CODE CHAPTER 12.22 ENTITLED MOBILE FOOD VENDOR LICENSING REGULATIONS

WHEREAS, the City passed Ordinance No. 1009 establishing a new Chapter 12.22 to Langley Municipal Code and made an amendment to such code with Ordinance 1017; and

WHEREAS, Ordinance 1009 provided a sunset of December 31, 2015 and the City of Langley wishes to make the chapter permanent;

NOW THEREFORE, the City Council of the City of Langley, Washington do hereby Ordain as follows:

Section 1. Langley Municipal Code Chapter 12.22 is hereby amended to read as follows:

Chapter 12.22
Mobile Food Vendor Licensing Regulations

12.22.010 Definitions
12.22.020 Scope
12.22.030 Activities requiring a license
12.22.040 Exemptions
12.22.050 Application for license
12.22.060 License fee
12.22.070 Term of license
12.22.080 Exhibition of license
12.22.090 Locations
12.22.100 Health Regulation
12.22.110 Business activity to be temporary
12.22.120 Food Vendor Standards
12.22.130 Design and Operation
12.22.135 Inspection
12.22.140 Administration
12.22.150 Violation of the provisions of the chapter – Civil infraction

12.22.010 Definitions.
“Mobile Food Truck” means a licensed and operable motor vehicle used to serve, vend, or provide ready to eat food or nonalcoholic beverages for human consumption from an approved and assigned fixed location.

“Mobile Food Vendor” means any business operator or vendor who conducts business from a motor vehicles upon public streets or private property, referred to in this ordinance as “vendor”.

“Mobile Food Zone” means a designated portion of public space that is reserved for the exclusive use of licensed food trucks.

Ordinance No. 1027
12.22.020 Scope.
The provisions of this ordinance apply to mobile food trucks engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles that dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts, or stands located on sidewalks, nor does it apply to food trucks associated with special events that are licensed or approved by the City.

12.22.030 Activities requiring a license.
It is unlawful for any person to operate within the City a food truck, as defined in this chapter, without having obtained a license for that purpose. A separate license shall be required for each food truck. No person shall then sell or offer food products at any location until the food vendor has been duly licensed. General business license provisions (Chapter 5.04 LMC) shall apply to this special license. In addition to the provisions set forth in this chapter, a city-issued business license shall be required.

12.22.040 Exemptions.
The provisions of this chapter shall not be applied to:
A. Lemonade stands;
B. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while located on city streets or property;
C. Temporary Business Activities in accordance with LMC Chapter 5.10.

12.22.050 Application for license.
A) A person desiring to operate a food truck shall make written application for such license to the City Clerk-Treasurer. The application for a license shall include the following:
1) Name, signature, phone number, email contact and current business address of the applicant.
2) A description of the preparation methods and food product to be offered for sale, including the intended menu, display, and distribution containers.
3) Information on the food vehicle to include year, make, and model of the vehicle and dimensions.
4) The preferred location of the food truck, subject to locational limitations set forth by the City of Langley.
5) A photo or drawing of the proposed food truck, showing the business name;
6) An indication of whether awnings are proposed.
7) The proposed hours of operation.
8) Copies of all necessary license or permits issued by Island County Health Department.
9) Copies of all additional licenses or permits that may be required by the Island County Health Department, the Washington State Department of Labor and Industries, and the City of Langley. (This requirement shall be met within thirty (30) days of approval of a Mobile Food Truck license by the City of Langley. However, no mobile food truck shall locate or operate with the City until such City, County and State licenses have been issued.)
10) Proof of insurance in an amount not less than $1,000,000, and designating the property owner as a named insured.

B) In addition to the submittal materials above, food vendors operating on privately owned land must submit a written consent of the property owner, and comply with the City’s Site Plan Review process, as set forth in LMC 18.34.

12.22.060 License fee.
The annual license fee for a food truck shall be established by the City Council. No application shall be deemed complete until all fees have been paid. License fees are non-refundable.

Ordinance No. 1027
12.22.070 Term of license.
Licenses shall be valid from the Thursday before the Memorial Day weekend until the day after Labor Day, unless otherwise authorized by the City Council. The City also reserves the right to further restrict dates of operation, which restrictions shall be noted on the license when it is issued. Licenses issued pursuant to this Chapter are not transferrable.

12.22.080 Exhibition of license.
A license issued under this chapter shall be posted conspicuously on the mobile food truck.

12.22.090 Locations
A. Food trucks may operate on private property in any zone in which restaurants are permitted, with the written consent from the property owner and subject to the City’s Site Plan Review requirements. Evidence of such written consent and approval shall be provided to the City prior to the on-site location of the food truck.

B. Food vehicles located on public property shall operate only within designated food truck zones as designated by the City. Spaces for food truck operations shall be assigned to the vendor by the City. The City shall determine the method to be used to assign spaces to food truck vendors. Location of a food truck within any public right-of-way or on any public property, other than a site assigned by the City, is prohibited.

12.22.100 Health Regulation
All food vendors shall comply with all laws, rules and regulations regarding food handling, and all vehicles, equipment, and devices used for the handling, storage, transportation and/or sale of food shall comply with all laws, rules and regulations respecting such vehicles, equipment and devices as established by the Island County Health Department.

12.22.110 Business activity to be temporary
A. All business activity related to mobile food trucks shall be of a temporary nature, the duration of which shall not exceed (12) hours within a (24) hour period at any location, public or private.

B. Hours of operation shall be limited to the hours between 9:00 a.m. and 10:00 p.m. unless additional hours are approved by the City. No approved food truck shall be left unattended on a public way, nor remain on a public way outside of these allowed hours of operation.

12.22.120 Food Truck Standards.
All mobile vendors licensed under this chapter shall conform to the following standards:
A. Food trucks stationed on public right of ways using external signage, bollards, seating or any other equipment not contained within the vehicle shall not reduce or obstruct the sidewalk to less than five feet.

B. Vendor shall obey any lawful order of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or to remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.

C. Any auxiliary power required for the food vehicle shall be self-contained, provided that such auxiliary power does not result in excessive noise. No use of public or private power sources are allowed without providing written consent from the owner. The City may provide electrical power from a public source, provided that the food truck shall pay for the use of such power upon presentation of a
bill from the City. No power cable or equipment shall be extended at grade across any City street, alley, or sidewalk. The use of compressors or loudspeakers is prohibited.

D. Any exterior lighting used by the food truck shall be designed and placed in such a manner that it does not result in glare or light spillage onto other properties or interfere with vehicular traffic. Lighting shall be directed in a downward manner, so as to minimize light pollution.

E. All identifying information, logos, advertising, or other displays on the exterior of a food vehicle shall conform to the purposes set forth in LMC 18.35 regulating commercial signage. No exterior, freestanding signage shall be permitted.

12.22.130 Design and Operation
A. Licensee shall park food truck in an assigned designated area only.

B. Licensee shall not park in such a manner as to create a traffic hazard.

C. Sales by licensees in curbside food zones shall be made on the curbside only, and the vehicle shall be parked within one (1) foot of the curb.

D. No waste liquids, garbage, litter, or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales. Licensee shall be responsible for all litter and garbage left by customers.

E. Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.

F. Licensee shall comply with all Island County of Public Health requirements, and fire department requirements if propane or a combustible fuel is used.

G. The licensee shall only sell food and beverages that are capable of immediate consumption.

H. Garbage, recycling, and composting receptacles must be supplied by the licensee for the public use. Such receptacles shall be capable of accommodating all refuse generated by the vending activity. The containers must be maintained and emptied regularly.

I. The food truck shall be kept in good repair, and free of graffiti.

J. The food truck shall not be allowed to pull any type of trailer.

12.22.135 Inspection.
Before issuance of a Mobile Food Vendor License, the City of Langley Planning Official must inspect the motor vehicle and proposed operation in order to determine all local, county and state requirements are met. During the inspection the City Planning Official shall request an appropriate community representative to assist in assessing the visual compatibility of the food truck with the visual character of the community.

12.22.140 Administration.
A. The license for a food vehicle may be revoked at the discretion of the mayor or his or her designee at
any time for failure to comply with the provisions of this chapter, or for violation of any other provision of the Langley Municipal Code. Notice of revocation shall be served personally twenty-four (24) hours prior to the date such revocation shall be effective. The licensee may appeal the revocation within ten (10) days of service of the notice, by requesting a hearing before the Langley City Council; provided, however, that in the interim no activity shall be conducted until such time as the Langley City Council has heard the appeal of the licensee from the original determination of the mayor or his/her designee.

B. This Ordinance shall expire on December 31, 2015, unless renewed by the Langley City Council.

12.22.150 Violation of the provisions of the chapter – Civil infraction.
Any person violating any of the requirements of this chapter shall have committed a civil infraction and shall be punishable by a fine of up to $1,000.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held the ___ day of ______, 2016.

______________________________
Tim Callison, Mayor

ATTEST:

______________________________
Debbie L. Mahler
Director of Finance/City Clerk

APPROVED AS TO FORM:

______________________________
Jeff Tataday
City Attorney

Ordinance No. 1027
CITY OF LANGLEY
ORDINANCE NO. 1027

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RELATING TO THE
CITY’S ZONING CODE CONTAINED IN TITLE 18 OF THE LANGLEY MUNICIPAL
CODE; AMENDING LMC CHAPTER 18.04 REGARDING DEVELOPMENT OF
INNOVATIVE PERMANENTLY AFFORDABLE RESIDENTIAL UNITS WITHIN THE
CITY’S THREE RESIDENTIAL ZONES AND THE MIXED RESIDENTIAL ZONE.

WHEREAS, the City of Langley adopted Ordinance 969 in 2012 establishing an new Chapter
18.04 of the Langley Municipal Code, which added a three year demonstration program trial to
encourage innovative, permanently affordable housing projects; and

WHEREAS, the City has completed the trial period and the City Council finds that it is in the
best interests of the City to make the program permanent;

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

Section 1. Langley Municipal Code Chapter 18.04, and Ordinance No. 969, Section 2, is hereby
amended to read as follows:

Chapter 18.04
DEMONSTRATION PROGRAM FOR INNOVATIVE PERMANENTLY
AFFORDABLE HOUSING PROJECTS

Sections:
18.04.010 Authority and purpose.
18.04.020 Affordable housing defined.
18.04.030 Project application requirements and incentives.
18.04.040 Procedures.
18.04.050 Annual reporting requirements.
18.04.060 Expiration of innovative permanently affordable housing demonstration
program and chapter.

18.04.010 Authority and purpose.
A. Authority. Both the Growth Management Act (Chapter 36.70A RCW) and the Housing Policy
Act (Chapter 43.185B RCW) require the city to provide housing opportunities for all economic
segments of the community. Similarly the city’s comprehensive plan encourages revisions to the
city’s development regulations to increase the supply of affordable housing. This chapter will
allow the use of alternative development standards and processes that are not currently allowed
under existing land use regulations, while protecting residential character and maintaining overall
consistency with the neighborhood plans and the goals and policies of the Langley
comprehensive plan.

B. Purpose. In accordance with the directives of the Growth Management Act, Housing Policy
Act, and the city’s comprehensive plan, the purpose of this chapter is to facilitate, for a specified
trial period of three years, the construction of innovative affordable homes by organizations that
can demonstrate, to the city council’s satisfaction, after review and approval by the planning
director or his/her designee, an ability to finance, manage, and monitor affordable home sales and
rentals to assure permanent affordability in accordance with the guidelines contained herein.

C. Goals. The goals of this chapter are:

1. To encourage innovative building design in housing projects by:

a. Increasing the supply of affordable housing and the choice of housing styles available in the
community.

b. Promoting diversity in housing affordability and choice by encouraging smaller and more
varied home sizes and mixes of income levels of residents.

c. Promoting high quality and environmental design.

2. To encourage the use of innovative site development practices and green building practices by
encouraging the use of conservation design methods and principles such as low-impact
development techniques, green building materials, water and energy conservation, and mitigation
that offsets impacts to biodiversity.

3. In general:

a. To help identify any zoning code amendments that are necessary to support the development of
innovative housing choices in Langley.

b. To identify effective incentives to encourage green building and low-impact development
standards.

4. The demonstration projects developed under this chapter shall use innovative design and
development techniques to achieve these goals. (Ord. 969 § 2 (Att. B), 2012)

18.04.020 Affordable housing defined.
Purchasers of affordable homes constructed under this chapter shall meet the following
requirements:

A. Annual Income. All purchasers shall be from a household whose annual income, at the
household’s initial occupancy of the residence, is middle income or less (as defined under
subsection (D) of this section), as adjusted by family size, for Island County, Washington, based
on the most recent census data or other verifiable source as determined by the city.

B. Housing Expenses. The monthly expenditure by a purchaser for housing including mortgage
payment, insurance, taxes and utilities (water and sewer) shall not exceed 38 percent of the gross
household income at the time of purchase and the amount for monthly mortgage payment shall
not exceed 30 percent of gross household income. All other variable living expenses associated
with the resident’s occupancy shall not be a factor in the calculation of affordability.

C. Affordable Housing. Federal guidelines define affordable housing as decent, quality housing
that does not exceed 30 percent of a household’s gross monthly income for rent/mortgage and
utility payments. Island County is ranked as the eighth least affordable area in Washington State
for housing and Langley is the most expensive area to live on Whidbey Island.
D. Classification of Income Groups. The United States Department of Housing and Urban Development (HUD) and the state of Washington classify household income groups as follows: Very low income: households below 50 percent of the average median income. Low income: households between 50 and 80 percent of the average median income. Lower income: households between 81 and 95 percent of the average median income. Middle income: households between 96 and 120 percent of the average median income. “Median household income” means the amount calculated and published by the HUD each year for the Island County statistical area as the median household or family income, adjusted by HUD for household size. (Ord. 969 § 2 (Att. B), 2012)

18.04.030 Project application requirements and incentives.
A. Density Increases. Earned increased density of up to 100 percent over the otherwise allowable density in the applicable residential zone may be granted to a project. A density increase of one unit for each perpetually affordable unit is allowed.

B. Project Applicant. A project applicant under this chapter must meet/comply with the following:

1. The project applicant shall be, create or contract with an organization that has as its purpose the creation and retention of permanently affordable, income qualified home-ownership and/or rentals.

2. The organization can demonstrate experience in providing affordable housing. An organization that can demonstrate experience in providing housing and a mission statement of its intent to use that experience toward achieving the goal of providing permanently affordable housing shall be deemed to have met this requirement.

3. The organization can demonstrate the ability to employ a mechanism to retain all of the units as permanently affordable to income-qualified buyers as defined by Section 18.04.020.

4. The organization can demonstrate an ability and commitment to submit an annual report to the city council documenting all residential units, past and pending sales, rental history and ownership by qualified home buyers.

5. The organization can demonstrate that the project, including all common areas, will be properly maintained over time.

C. Single-Family Home Ownership. Projects that create single-family residences that are individually owned by their occupants must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain occupied by income qualified tenants.

D. Guarantee of Permanent Affordability. The project must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the project’s single-family residences remain affordable for 50 years in accordance with the definition of affordable housing in Section 18.04.020. The controls may include:

1. Continued ownership of the land by the project applicant with the owner occupants of the single-family residences leasing the land back from the project applicant;
2. A deed/subsidy covenant, purchase/sale agreements, or other similar mechanisms, which require that the residences be sold only to qualified purchasers who meet the requirements of Section 18.04.020;

3. A requirement that the project applicant can only transfer the land to another entity that meets the requirements of subsection (A) of this section; and/or

4. Other methods approved by the planning director, or his/her designee, to ensure that the project's single-family residences remain permanently affordable in accordance with the definition of affordable housing.

E. Project Location. Affordable single-family homes developed under this chapter must be located in a residential single-family or multifamily zone within the city of Langley.

F. Design Review. All projects are subject to design review. Housing projects receiving earned increased density under this chapter must comply with the design review process and site location criteria for multifamily residential development in this title to protect, maintain, or enhance neighborhood character and compatibility.

G. Request for Modification to the Application of Development Regulations.

1. Project applicants may request modification of the application of the following development regulations; provided, that the project otherwise complies with applicable Washington state laws and other applicable development regulations and provisions of the Langley Municipal Code:

a. Minimum lot size;

b. Minimum street frontage;

c. Minimum front, side, and rear yard setbacks;

d. Minimum parking requirements;

e. Maximum lot coverage;

f. Minimum usable open space; and/or

g. Other regulations to allow demonstration of innovative approaches to permanently affordable housing, energy conservation, low-impact development, and stormwater management.

2. The applicant shall describe each requested modification in writing and include detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or boundary line adjustment application and must be noted on submitted site plans.

3. The planning director or his/her designee shall review the requested modification and reasons provided for the modification and provide a written recommendation to the decision-maker for the underlying application regarding whether to approve, approve with conditions, or deny the requested modification on the basis of whether the modification is consistent with the purpose and requirements of this chapter, does not threaten the public health, safety or welfare and
otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code.

4. The decision-maker for the underlying application shall determine whether to approve, approve with conditions, or deny the requested modification as part of the decision on the underlying application. (Ord. 969 § 2 (Att. B), 2012)

18.04.040 Procedures.
Projects applied for under this chapter shall follow the procedures listed below.

A. Pre-Application Conference. A pre-application conference with planning department staff and the project applicant is required before the city will accept an application under this chapter.

B. Neighborhood Meeting. An applicant is required to conduct a neighborhood meeting prior to the submittal of an application and after the pre-application conference. The director of community planning may provide standard notice formats and guidelines for conducting the meeting. The notice shall include a brief description of the project, date, time and location of the neighborhood meeting and name and phone number of the applicant or their representative. The applicant shall post the notice of the neighborhood meeting on the project site at least 14 days prior to the meeting and shall mail the notice at least 14 days prior to the meeting to:

1. The planning department with a copy of the mailing list;

2. The owner of the property as listed on the application;

3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County assessor records;

4. Any neighborhood association registered with the planning department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary; and

5. The local newspaper.

C. Submittal Requirements. The director of community planning shall establish submittal requirements and forms to be used for applications.

D. Determination of Complete Application. A complete application shall consist of the completed application form with all required information, a SEPA environmental checklist, if applicable, and any filing fee as established by the city council. If a subdivision of land is required, the preliminary plat, short plat, binding site plan, or boundary line adjustment shall also be submitted as part of the application. An application shall be reviewed by the director of community planning to determine whether it is complete under the procedures in Section 18.36.010.

E. Concurrent Review. The application for design review, subdivision, and project approval under this chapter shall be processed concurrently. The director's recommendation regarding design review shall be forwarded to the hearing examiner with the staff recommendation for the application.

F. Notice of Application. The planning department shall mail notice of application to:
1. The applicant;

2. The owner of the property as listed on the application;

3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County assessor records;

4. Any neighborhood association registered with the planning department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary;

5. Any person or organization that has filed a written request for notice with the planning and community development department; and

6. The local newspaper.

G. Date of Notice. The date of the notice of application shall be the date the notice is mailed.

H. Posted Notice. The applicant shall post one or more "notice of application" signs on the site or in a location immediately adjacent to the site that provides visibility from adjacent streets. The director shall establish standards for size, color, layout, materials, placement and timing of installation and removal of the signs.

I. Public Comment Period. The minimum comment period shall be 14 days following the date of notice of application.

J. Project Review. Complete applications shall be reviewed by planning director for consistency with the comprehensive plan, the regulatory requirements of the Langley Municipal Code, and the design review guidelines while also utilizing the evaluation methods under subsection (K) of this section. The director of community planning shall consult with the planning advisory board in open public meeting concerning the project application. Thereafter, the planning director shall submit a written recommendation to the hearing examiner to approve, approve with conditions, or deny the project.

K. Evaluation Method. Each project will be evaluated for innovation and achievement of the chapter goals using a number of factors. The evaluation factors are divided into three categories. If a project does not meet the affordable housing criteria or does not provide adequate assurances that the housing will remain affordable for 50 years from the date of approval, it shall not be approved. If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance, but still should be approved. The director of community planning may consider other alternative site development or building design practices not mentioned below that may be proposed by the applicant but meet the goals of this chapter.

1. Housing Diversity.

a. Unit Type. Any attached or detached single-family housing type is allowed. The project should include a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, or accessory dwelling units.
b. Unit Size. The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size.

c. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels. Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit. Units that are affordable to a range of income levels are encouraged.

2. Use of Innovative Site Development Practices.

a. Low-Impact Development. The project uses a low-impact development approach to stormwater management, unless determined to be inappropriate to the setting, through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:

(1) Use of rain gardens and other water-absorbent plant growth media, with drought-tolerant native plants, combined with curb cuts and other proven low-impact development techniques for rainwater catchment and absorption, to lessen stormwater runoff. Invasive species shall not be planted.

(2) An earthen separation between the street and sidewalk and bioswales.

(3) Amended soils.

b. Impervious Surfaces. The project reduces impacts from impervious surfaces through use of techniques such as:

(1) Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;

(2) Lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking;

(3) Crushed stone or brick for lightly used pedestrian paths; and

(4) Recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.

c. Landscaping. Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate.

d. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project.

e. Transportation.

(1) The project design provides enhanced sensitivity to pedestrian travel.

(2) The project internally preserves existing informal, internal connection to external trail(s); or creates new connections, where appropriate, to implement the non-motorized transportation plan (NMTP).
(3) The project reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit.

(4) The project accommodates needs of alternative vehicles, such as parking and charging facilities for electric cars, by locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location, close to a main building entrance, or parking spaces designed for subcompact vehicles, such as Smart™ cars.

(5) The project integrates a parking space for a vehicle sharing program.

(6) The project minimizes the visual dominance of automobiles throughout the project.

3. Innovative Building Design Practice.

a. Alternative Energy. The project utilizes, at least in part, alternative power and heat technologies including, but not limited to, solar, passive solar, wind, and geothermal. All projects should preserve solar access.

b. Energy Efficiency. The project exceeds base energy efficiencies required by the building code by integrating energy efficient building design and appliances.

c. Water Efficiency. The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e., greywater for toilets, landscaping).

d. Green Building Materials. The project utilizes sustainable or “green” building materials internally and externally.

e. Accessibility. The project design incorporates access for residents of all ages and mobility inside and outside the home.

L. Notice of Public Hearing. Notice of public hearing shall be provided in accordance with the following:

1. Notice of the public hearing for the application shall be published in a newspaper of general circulation at least 10 days prior to the hearing date.

2. Notice of the hearing shall be mailed at least 10 days prior to the hearing in the same manner as for the notice of application.

3. The notices shall contain a brief description and the general location of the proposal, the time, date and location of the hearing and information about the availability of the staff report.

M. Public Hearing. The hearing examiner shall conduct an open record public hearing on the proposal in accordance with the following:

1. The hearing shall be scheduled for a date no sooner than 15 days after the issuance of the SEPA determination (if any) regarding the proposal.

2. The public hearing shall be consolidated with the hearing (if any) on any preliminary application submitted for the project.
3. Any person may participate in the hearing by submitting written comments to the planning department prior to the hearing or by submitting written comments or making oral comments at the hearing.

4. The planning department shall transmit to the hearing examiner a copy of the department file on the application including but not limited to the application and all materials submitted by the applicant, all written comments received prior to the hearing, the SEPA threshold decision, and records regarding public notice of the application.

5. The hearing examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.

N. Hearing Examiner Decision. The hearing examiner shall make a written decision to approve, approve with conditions and/or modifications, or deny the project application based upon the record of the hearing and whether the proposed project is consistent with the purpose, goals and requirements of this chapter and other applicable provisions of the Langley Municipal Code.

O. Notice of Decision. A notice of decision shall be issued as provided in Section 18.36.130. (Ord. 969 § 2 (Att. B), 2012)

18.04.050 Annual reporting requirements.
The owner(s) of a project receiving earned increased density under this chapter must report annually to city council regarding the status of the project. Information presented to city council annually shall include:

A. Total number of units in the project;

B. Number of units that changed ownership during the past year;

C. The purchase price of each unit that changed ownership;

D. The steps taken by the owner to ensure that each unit that changed ownership was transferred at an affordable price in accordance with Section 18.04.020; and

E. A summary of how the project’s innovative design features are functioning including the experience of residents, energy use, building quality, low-impact development, maintenance and other relevant topics. (Ord. 969 § 2 (Att. B), 2012)

18.04.060 Expiration of innovative permanently affordable housing demonstration program and chapter.
This innovative permanently affordable housing demonstration program and chapter shall expire two years following the effective date of the ordinance codified in this chapter. (Ord. 969 § 2 (Att. B), 2012)

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall be in full force and effect five days after publication of an approved summary thereof consisting of the Ordinance title.
PASSED by the City Council and APPROVED by the Mayor on this ____ day of March, 2016.

Tim Callison, Mayor

ATTEST:

Debbie Mahler, Clerk-Treasurer

APPROVED AS TO FORM:

Jeff Taraday, City Attorney

Published: ___________________________