1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call
   c. Mayor's open comment regarding appearance of conflict of interest

2. APPROVAL OF AGENDA

3. 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 3/19/18, ............................................1-4
   b. Approval of claims warrants Nos. and EFTs in the amount of $109,139.84.36
   .........................................................................................................................5-11

4. RECOGNITION/APPRECIATION

5. COMMISSION AND BOARD REPORTS
   a. Langley Parks and Open Space Commission ......................................................12-13
   b. Jackie Henderson, Board of Health – available human services
   c. Sherry Wyatt – Island County Tourism

6. CITIZEN COMMENTS *

7. MAYOR’S REPORT

8. UNFINISHED BUSINESS
   a. Ordinance 1045 Amending Development regulations and LMC Title 18 to facilitate the
      Installation of Alternate Energy Production Systems – adoption ........................14-40

9. NEW BUSINESS

10. COUNCIL REPORTS

11. DISCUSSION ITEMS

12. 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
March 19, 2018

Mayor Callison called the meeting to order at 5:30 PM. Present were Council Members Christy Korrow, Bruce Allen, Ursula Shoudy, Dominique Emerson and Peter Morton. Also present were Brigid Reynolds, Planning Director; Stan Berryman, Public Works Director; Dave Marks, Police Chief; and Debbie Mahler, Finance Director/Clerk. Mayor Callison led the flag salute and read the open statement regarding appearance of conflict of interest.

MOTION: To approve the agenda as amended. A presentation from Michael Nortier, Island Transit Director was added along with a motion to approve a letter to the editor regarding the Sno-Isle Tax levy, add discussion of process for answering mail/email to council. Motion - Allen, 2nd - Emerson. Motion was approved.

MOTION: To approve the consent agenda. Motion - Allen, 2nd - Emerson. Motion carried.

CONSENT AGENDA

Approval of council meeting minutes of 3-5-18
Approval of claims warrants Nos. 37143-37169 and EFT’s in the amount of $24,377.14
Approval of payroll warrants Nos. 37015-37035, (02/15/18) in the amount of $45,772.04 and Nos. 37078-37133(02/28/18) in the amount of $77,598.21
Liquor License Renewals – Saratoga Inn, WICA

RECOGNITION/APPRECIATION

Mayor Callison presented a Mayor’s Excellence Award to Fred Lundahl for his contributions to the City. All the energy and activity he contributes to Main Street, the Orca Network and the Whale museum and the businesses of the city.

COMMISSION AND BOARD REPORTS

Michael Nortier, Island Transit. Mr. Nortier gave a power point presentation on ridership and the transit system, their programs and services. Mr. Nortier then answered questions from the public and council.

CITIZEN COMMENTS

Sharon Emerson asked for a professional to record the meetings for the city. The city has had problems with the recording system and she feels it is important to have quality recordings.

UNFINISHED BUSINESS

Authorization to negotiate a contract for design of Seawall Park with Jay Davenny.
MOTION: To authorize the Public Works Director to negotiate a contract with Jay Davenny, as recommended by the Parks and Open Space Commission, for design services for Seawall Park. Motion - Morton, 2nd - Allen. Motion carried with all in favor.

Arts Commission six year work plan.

MOTION: To approve the Six-year Arts Commission work plan. Motion - Morton, 2nd - Korrow. Motion was unanimously approved. Ms. Emerson had several questions about the plan, which Brigid Reynolds answered.

Green Building Ordinance.

MOTION: To bring to a first reading, Ordinance No. 1045 Amending the City’s building Regulations as set forth in Title 15 and the Development Regulations as set forth in Title 18 of the Langley Municipal Code by amending Chapter 18 to facilitate the installation of alternate energy production systems. Motion - Korrow, 2nd - Morton. Motion passed without opposition. The Planning Advisory Board did hold a public hearing on this and recommended its passage.

Electric Vehicle charging station contract.

MOTION: To authorize the Mayor to sign the electric vehicle charging station contract with Blink EV. Motion - Emerson, 2nd - Allen. Motion was granted unanimously.

NEW BUSINESS

Highlands Plat Drainage system.

MOTION: To accept the proposed changes to the highlands Planned Unit Development storm drainage system. Motion - Morton, 2nd - Emerson. Council approved development in 2007, development is almost built out. The developer is getting ready to turn ownership over to homeowner’s association. The city’s engineering firm has approved the change. Motion passed with all in favor.

Chamber of Commerce request for Tourism funding.

Inge Morascini stated that the Main Street shuttle is not able to transport visitor’s on the Clipper up the hill from the harbor. There are many people who are not physically able to get up the hill from the harbor. The SeaTac shuttle will do the transportation for about $150 per day. 15% of passengers are disabled. Last weekend about 40 people required transportation on Saturday alone. Ursula Shoudy stated her opinion that long-term transportation needs to be developed.
MOTION: To approve the funding in the amount of $1694 for shuttle services. Motion – Allen, 2nd – Morton. Motion carried with Korrow abstaining.

Dominique Emerson explained that Council gets letters and email from the public and there is no formal plan for responding or acknowledging the communication. She feels we need a log of communications received. Thomas Gill stated that the current system can do an auto reply to the sender with a message that it has been received and archived. Council asked the Clerk to create a log of all correspondence to the Council.

Peter Morton drafted a letter to the editor supporting the Sno-Isle Levy lid lift to be signed by Mayor and Council.

MOTION: To approve the letter as edited. Motion – Emerson, 2nd – Shoudy. Motion was unanimously passed.

STAFF REPORTS

Community Planning. Brigid Reynolds reported that she attended Shoreline training on the 15th of March. PAB had a presentation from Island County on their housing survey. PAB also held a public hearing on green building and are working on the tiny home ordinance. The Complete Street community meeting is scheduled for March 28th. Brigid met with Damon Arndt on the proposed Wellness Center. She also met with the owners of the Coles Road property who are thinking of developing with a variety of homes and is working on noise ordinances.

Public Works. Stan Berryman reported that annual flushing of the water system is going on now. It takes three days to flush the entire system. The 1st St sidewalk is well underway now. It should be done by April. Saratoga Creek waterline is also being replaced at this time. A new ductless heat pump system is being installed in City Hall soon. Jerry Beck is preparing a bid for redoing the electrical in Langley Park. Lower section of 1st street sidewalk needs repairs also, the concrete has been eroded.

Police. Chief Marks reported that he attended law enforcement command college training day. The new patrol car has arrived, but it will take about 4 months to get all the equipment on it. Officers Shoudy and Lauer are going to a 2 week firearms instructor school next week.

Finance. Debbie Mahler reported her staff attended the training put on by MRSC in Coupeville today on the Open Public Meetings Act and Public Records. They reported that it was a very good training. The public records training was geared to Councils and they are going to be receiving the slides from the training, so councilmembers will be able to view them also. Financial reports for the first quarter of 2018 will be ready soon.

MAYOR’S REPORT

Mayor Callison reported that he attended the RCO Grant Protocol meeting in Freeland put on by the Washington Wildlife and Recreation Coalition on March 8th. On the 9th of March, he met with Congressman Rick Larsen and had a general discussion and a Complete Streets Walking tour. He attended the Chamber of Commerce breakfast meeting on the 14th and the Community Club St. Patrick’s Celebration at the Brookhaven Commons. March 15th Mayor Callison went to the Second Street Market
Logistics Meeting. They are going to move to the parking lot at the bus barn. 1-5 starting May 4th to September 28th. Met with the Whidbey Island kayak group also that day. The March for Life discussion will be held at WICA on March 22nd. Mayor Callison, County Commissioner Price-Johnson, the Sheriff, and the school superintendent will be on the panel.

COUNCIL REPORTS

Peter Morton reported that he attended the last Arts Commission meeting. He has been speaking with the group against Smart meters. They asked to meet with Peter and did. Dominique Emerson reported that the East Langley Infrastructure committee has had their first meeting with all the members, and one attendee. They are developing scenarios and parameters for different parts of the proposed infrastructure improvements. She will put the whole thing together in cost scenarios. The most pressing need seems to be storm drainage on Edgecliff. The second meeting is scheduled for next week. Dominique and Bruce Allen will meet next week about forming the tourism advisory ad hoc committee and look at candidates for the committee.

Ursula Shody reported that she attended the port meeting. The wiring is being repaired in April on the docks, and they are trying to have a generator available when they make the repairs. The Harbormaster gave out 800 clues for Mystery Weekend. The Port has obtained a $500,000 grant for a parking lot in Mukilteo. They have hired an architect for the commercial kitchen upgrade at the Fairgrounds and it is turning out to be more expensive then originally thought. The Port gave grants for economic development to all that applied. Ursula also attended the Emergency preparedness meeting. Port Commissioner Ed Halloran attended also and will be participating in the future meetings. Bruce Allen reported the HUB afterschool program had 65 kids last Wednesday; the highest amount of kids ever. Friday, he will be attending an all-day retreat for Island Transit where he is a board member.

Christy Korrow attended the emergency preparedness meeting, and next Tuesday they will be meeting again. The group is close to having a community meeting this spring. She also attended PAB meeting as Council liaison. She stated that it is a great, hard working committee. Christy will also be the Council liaison for the Cemetery Board so will be attending those monthly meetings from now on.

The meeting was adjourned at 7:46 PM.

Respectfully submitted,

Debbie L. Mahler, Director of Finance/City Clerk
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**Grand Total:** Municipal Solutions Total: $79,920.494
To: Mayor Tim Collision and Members, Langley City Council  
From: Members, Langley Parks & Open Space Commission  
Re: Proposed public meeting concerning expanded Langley area trails network  
Date: March 15, 2018

Proposal
An interactive town meeting in mid-May to discuss how Langley residents can expand the walking/hiking trails system in and around Langley.

- Identify the formal and informal network of paths and trails where local residents enjoy walking and hiking.
- Identify locations where area residents would like to see existing trails connect more seamlessly.
- Locations of public land or right-of-way suitable for public trails.
- Respond to questions and concerns of property owners interested in having public trails on their property.
- Learn how other cities and neighborhoods in Washington State have worked to expand their trails networks even with the pressure of increased real estate development.

Proposed Meeting Agenda
Welcome and purpose of meeting—Mayor Tim Callison  
Background: description of how this meeting came to be; outline how the meeting is organized —Gail Fleming, Chair, Langley Parks & Open Space Commission

Panel: Learn from others, including citizens from WA cities who’ve successfully created trail networks, attorney whose expertise includes legal liability issues of trails, Land Trust, Island County, South Whidbey Parks

Interactive “Stations”:

Map—mark locations of formal and informal trails, public property and ROW, locations for connections and potential expansions of trail network

Property owners—handouts, addressing questions and concerns regarding public trails on private land

Volunteer: Trails Together—potential citizens organization to work on expanding the trail network and greenways in and around Langley
Trails in Langley – Would you like more?

More and Better Trails: An Interactive Town Meeting

Come learn how we can enhance the trail system in and around Langley – and share your ideas!

City of Langley
Parks & Open Space Commission
360-221-4246

When: May 17, 2018
Where: Langley United Methodist Church Fellowship Hall
Time: 6:30 PM to 8:30 PM
Guest speakers: Name & Title, Name & Title, Name & Title

Trails CONNECT:
Humans with nature
Wildlife with its habitat
Humans with neighborhoods
Families, friends, loved ones
EXHIBIT A

City of Langley
Langley, Washington

Ordinance No. 1045

An Ordinance of the City Council of the City Council of Langley, Washington, Amending the City's Building Regulations as Set Forth in Title 15 and the Development Regulations as Set Forth in Title 18 of the Langley Municipal Code by Amending Chapter 18 to Facilitate the Installation of Alternate Energy Production Systems

WHEREAS, on June 18, 2017 the City of Langley became a SolSmart designated city; and

WHEREAS, on September 18, 2017 Council approved a building permit check list to expedite the installation of small solar PV systems and directed staff to prepare an ordinance to reduce barriers and encourage the installation of solar energy generating systems; and

WHEREAS, the Comprehensive Plan approved on March 5, 2018 includes goals and policies to facilitate the reduction of energy consumption, emission of green house gases and encourages use of alternative energy generating systems; and

WHEREAS, THE City of Langley has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and Langley's Municipal Code (Chapter 16) by making a determination of nonsignificance on January 18 after providing legally required public notice; and

WHEREAS, pursuant to RCW 36.70A.106, the ordinance was granted expedited review from the Washington State Department of Commerce on February 1, 2018 in satisfaction of the review requirements of the Growth Management Act; and

WHEREAS, on March 7, 2018 a public hearing on the proposed amendments was held before the Planning Advisory Board and all persons wishing to be heard were heard; and

WHEREAS, on March 7, 2018 the Planning Advisory Board (PAB) determined the draft regulations are consistent with the Langley Comprehensive Plan and recommended the City Council adopt the proposed ordinance; and

WHEREAS, on March 19, 2018 the City Council in an open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

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

Section 1. Chapter 18.01.040 of the Langley Municipal Code, is hereby amended as follows:
By adding the following definitions:

**18.01.040 Definitions.**

"Accessory building" means a building which is subordinate to the principal building, and is incidental to the use of the principal building on the same lot. Examples include sheds, shops, garages, greenhouses and barns.

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

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

"Adjacent" means having a common endpoint or border where the extension of the property lines of the licensed premises contacts that common border.

"Adult family home" means a regular family abode of a person or persons who are providing personal care, room, and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications set forth in Chapter 18.22.

"Alley" means a public or private thoroughfare or way which affords means of access to abutting property but not intended for general traffic circulation.
"Alteration" means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

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

"Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

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

1. Not more than six rooms are available for such rental;

2. Breakfast is the only meal served to persons renting such rooms, and no meals are served to members of the general public; and

3. In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and

4. No room is rented to more than an occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage.

"Bed and breakfast room (commercial)" means a room used for rental for transient lodging, situated in a building which is used primarily as a commercial establishment, where:

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

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

"Bed and breakfast room (residential)" means a room used for rental for transient lodging situated in a building which is used primarily as the dwelling for a nontransient family, or, in the case where there is
an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

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

2. No other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and

3. If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

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

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

"Building" means a structure having a roof for the shelter of persons or property.

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

"Building height," for the purposes of this code, means the vertical distance measured from the grade to the highest point of the roof (see exemptions in definition of "grade" below).

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

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

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

"Circus" means a public entertainment event consisting typically of a variety of performances by acrobats, clowns, and trained animals, which may also include amusement rides and carnival attractions.
"City forester" means a paid or volunteer position appointed by the mayor and confirmed by the city council to perform the duties required to implement and administer the provisions of this chapter. The city forester shall have demonstrated education and/or professional experience necessary to fulfill the duties as assigned. A certified arborist is preferred, but not required, to fill the city forester position.

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

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

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

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

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

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

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

"Day care center" means a single purpose group child day care program, including nurseries for children of working parents, guardians and custodians; nursery schools for children under minimum age for education in public schools; privately conducted kindergartens when not a part of a public or
parochial school; and programs covering after school care for school children provided any such day
care center is licensed by the state or county and conducted in accordance with state and local
requirements.

"DBH" means the diameter of the tree at breast height.

"Demolition by neglect" shall mean deterioration of the building to the extent that it creates or permits
a hazardous or unsafe condition. Deterioration of exterior walls or other vertical supports, horizontal
members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or
mortar to the extent that it adversely affects the character of the historic district or could reasonably
lead to irreversible damage to the structure.

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

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

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

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

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping
purposes and containing kitchen facilities for use solely by one family. An efficiency apartment
constitutes a dwelling unit within the meaning of this title.

Dwellings, Types Of.

1. Dwelling, One-Family. "One-family dwelling" means a detached building designed for
occupancy by one family, providing complete housekeeping facilities for one family and
containing one dwelling unit. A manufactured home may be considered a one-family dwelling if
sited per "manufactured home siting standards."

Dwelling, One-Family (Attached). "One-family dwelling (attached)" means a building designed
for occupancy by one family on an individually owned lot where the building abuts one or more
lot lines and shares a common wall with an adjoining dwelling unit(s). Also known as
"townhouse."
2. Dwelling, Two-Family (Duplex). "Two-family (duplex) dwelling" means a detached building, designed for occupancy by two families living independently of each other and containing two dwelling units.

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

"Easement" or "access" means a private right-of-way not less than 20 feet wide which provides vehicular access to a street.

"Electric scooters and motorcycles" means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose, including: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

"Electric vehicle charging station, public" means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

"Electric vehicle charging station, restricted" means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
"Essential public facilities" means airports, sewage treatment plants, jails, and power plants.

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

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

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

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

1. The principal building, including attached accessory structures, used as or convertible to habitable space. Detached accessory structures are not included in the floor area.

2. One-half of the total area of a daylight basement.

3. "Habitable floor area," for the purposes of floor area calculations, shall mean the gross building square footage, less the floor area dedicated to walls, stairways, and bathrooms.

4. "Attached accessory structure" means those structures that are directly connected to the principal building and share a warm wall with the principal building.

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

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

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

"Grade" means the average of the existing or finished ground level, whichever is lower, at the center of all walls of a building or beneath the proposed structure, whichever is applicable. The following items are exempt when making height determinations:

1. Radio and television aerials and flagpoles.
2. Other Features. Open rails, planters, skylights and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof.

3. Wireless communication antenna arrays up to a height of 15 feet from the highest point of the roof.

"Green Building System" means (a) equipment that converts, stores, transfers (or combination thereof) energy from a renewable energy source, including equipment used to support solar collectors, small wind energy systems, heat pump systems, waste heat recovery systems, and biomass systems, or (b) equipment that stores and treats (if necessary) rainwater, grey water or both, on site.

"Green Roof" means a roofing system that utilizes vegetation over a roof membrane to minimize storm water runoff and reduce heat absorption.

"Green Wall" means a permanent or temporary structure affixed to a building wall used for growing and cultivating edible and ornamental plants.

"Guest houses" means an accessory, detached building designed exclusively for residential purposes and without any cooking facilities; situated on the same parcel as a one-family dwelling; for the use of visitors as nonpaying guests of the one-family dwelling; which cannot be segregated or separately leased, rented, sold or transferred, given or otherwise conveyed unless the parcel is of sufficient size to meet density, platting and other city code requirements for a separate legal lot; of not more than 800 square feet; which provides one parking space in addition to those required for a one-family dwelling; and there shall be no more than one guest house per parcel or lot.

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

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

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

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

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

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

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

“Home day care” means a dwelling which provides regular custodial care for one to six children or adults, including all children under six years of age residing within the dwelling where day care services are conducted, for periods of less than 24 hours.

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

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

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

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

“In-home family day care” means a residential dwelling providing in-home care for 12 or fewer children and licensed by the state of Washington.

“Institution” means structure(s) and related grounds used by organizations providing educational, medical, social, cultural and recreational services to the community, such as hospitals, vocational or fine arts schools, colleges and universities, elementary and secondary schools, community centers, religious facilities, museums and performing arts centers.
“Licensed premises” means any establishment licensed to sell alcoholic beverages for consumption on the premises at any time.

“Liquor bar” means a table or counter where alcohol is stored or prepared and served to customers who sit or stand at the bar. Liquor bars can only be in lounges or in premises where minors are not allowed at any time.

“Lot” means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds or as a fraction of a section.

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

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

Lot Line, Rear. “Rear lot line” means the lot line which is opposite and most distant from the street lot line; provided, however, that where, under this definition, a particular parcel or lot would have more than one rear lot line, the city building official shall determine which lot line shall be considered as the rear lot line for purposes of this title.

Lot Line, Side. “Side lot line” means any lot line that is not a street or rear lot line.

Lot Line, Street. “Street lot line” means any lot line that abuts a street.

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

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

“Lounge” means the portion of a restaurant or other principal use that is used primarily for the preparation, sale, and service of beer, wine, or spirits. Minors are not allowed in a lounge.

“Manufactured home” means a structure, transportable in one or more sections from its manufacturer, retailer or wholesaler to its destination, designed primarily for residential occupancy by human beings, and built to Uniform Building Code standards.
Manufactured Home Siting Standards. A manufactured home may be allowed to be placed within any residential zone that allows single-family homes, provided the following conditions are met:

1. The home must be placed on a permanent foundation;
2. If applicable, skirting must be provided;
3. The home shall have a pitched roof and shall be made of either composition, shakes or shingles;
4. All requirements of this title and other applicable regulations must be met.

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

"Medium-speed electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR Part 571.500.

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

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

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

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

"Multifamily dwelling" means a building containing three or more dwelling units.

"Native plant" means plants and trees that occur naturally in a particular region, ecosystem, or habitat without direct or indirect human intervention.
"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR Part 571.500.

"Night club" shall mean any alcoholic beverage sales commercial activity which engages in the sale of alcoholic beverages in conjunction with providing live entertainment (including the playing of recorded music) or dancing between the hours of 6:00 p.m. to 2:00 a.m. regardless of whether such establishment is simultaneously offering restaurant meal service.

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

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

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

"Nonelectric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."

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

"Office" means a building or separately defined space within a building used for business. The use of an office does not include on-premises sales or manufacture of goods.

"Open space" means any part of a lot unobstructed by structures from the ground upward.

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

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

"Party of record" means any person who has submitted oral or written comments on a permit subject to the regulations of this chapter.
“Person” means any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

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

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

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

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

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

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

“Public space” means a space that is open and accessible to all and may be used for a variety of purposes including active or passive recreation, socialization, entertainment, cultural events, commerce or travel. If space is for passive recreation, it must have amenities for people such as places to sit, public art and trash receptacles.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

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

“Recreational vehicle” means a motor home or trailer less than 35 feet in length or a pickup-mounted camper designed for temporary housing.
"Restaurant" means an establishment with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public.

"Retreat center" means a facility similar to a conference center but providing overnight accommodations only for participants in the center's activities.

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

"Screen, screening" means a continuous fence, hedge or combination of both which obscures vision through 80 percent or more of the screen area, not including drives or walkways.

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

"Semi-public space" means outdoor space that is privately owned but is open and accessible to all. However, it may be restricted to those utilizing a good or service. Examples include outdoor restaurant seating, entertainment venues and seating areas. Space restricted to hotel/motel patrons does not qualify as semi-public space. If space is for passive recreation, it must have amenities for people such as places to sit, public art and trash receptacles.

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

"Sensitive areas" are identified and defined in Chapter 16:20.

"Service area" means the area of a licensed premises where customers may order and consume alcoholic beverages.

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

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

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

“Sign” means a structure or graphic display designed to inform or attract the attention of persons not on the premises on which the sign is located.

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

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

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

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

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

Sign, Temporary. “Temporary sign” means a sign or advertising display intended to be displayed for a fixed event and not permanently affixed to a structure or the ground.

“Significant tree” means any living woody perennial plant characterized by a main stem or trunk having many branches and having a diameter of 12 inches or more measured at breast height. For bifurcated or multi-trunked trees, the diameters of the individual stems are added together to determine if a tree meets the 12-inch minimum diameter to qualify as a significant tree.

“Single-family dwelling” means a building containing only one dwelling unit.

“Site plan” or “binding site plan” means a scale drawing which identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces and other information specified in this title. The binding site plan shall contain inscriptions or attachments setting forth the limitations and conditions established by the city and the provisions for ensuring development in conformance with the site plan.

“Small Wind Energy System” means the use of land, buildings, or structures for a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than five Kilowatts.
“Solar Collector” means a piece of equipment designed to absorb solar radiation as a source of energy for generating electricity (solar photovoltaic) or heating (solar thermal system).

“Street” means the public or private right-of-way or easement which provides vehicle access to abutting property.

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

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

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

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

“Tavern” means an establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

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

“Tourist accommodations – commercial” means a dwelling unit serving as a single rental for periods not exceeding 29 consecutive days and containing sleeping and cooking facilities.

Townhouse. See the definition of “dwelling, one-family (attached).”

“Use” means the purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.
“Variance” means a modification of the terms of this title granted to a particular property.

“Vehicle” means a transportable device designed to carry passengers or goods or perform work in motion.

“Wellness retreat” means a facility intended to provide a broad range of wellness activities or services within a single compound. Accessory uses for a wellness retreat may include lecture halls, medical clinics, lodging, restaurant, or event space. If located in the RS15000 zone, a wellness retreat shall be located on a lot of not less than five acres of land, and shall include a buffer of not less than 100 feet from any lot with an existing dwelling.

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

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

1. Antennas equal to or less than 15 feet in height; and
2. Parabolic antennas equal to or less than 39.37 inches (one meter) in diameter with an area not more than 50 square feet in aggregate.

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

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

“Yard” means the lot area between lot lines and the building area.

Yard, Front. “Front yard” means the area between the street lot line and the building line extending the full width of the lot or the street setback area.

Yard, Rear. “Rear yard” means the area between the rear lot line and the building area extending the full width of the lot or the rear setback area.
Yard, Side. "Side yard" means the side setback area between the side lot lines and the building area, extending the full length of the building area.

"Zone" or "zone district" means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title. (Ord. 1023 § 2, 2015; Ord. 1022 (Exh. A), 2015; Ord. 1016 § 2, 2015; Ord. 1005 § 3, 2014; Ord. 1004 § 4 (Exh. E), 2014; Ord. 989 § 2, 2013; Ord. 967 § 1, 2012; Ord. 963 § 1, 2011; Ord. 914, 2008; Ord. 820, 2002; Ord. 799, 2001; Ord. 798, 2001; Ord. 788, 2000; Ord. 771, 1999; Ord. 754, 1997; Ord. 733, 1997; Ord. 730, 1996; Ord. 714, 1996; Ord. 703, 1995; Ord. 696, 1995; Ord. 687, 1994; Ord. 527, 1989)

Section 2. Chapter 18.09 of the Langley Municipal Code, is hereby amended as follows:

Chapter 18.09 Land Use Table
By adding Green Building System as a secondary use in all zone districts

<table>
<thead>
<tr>
<th>18.09.010 Land uses.</th>
<th>CITY OF LANGLEY</th>
<th>ZONING DISTRICTS</th>
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<tr>
<td></td>
<td>Land Uses</td>
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<tr>
<td>Accessory Dwelling Unit</td>
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<td>Adult Family Homes</td>
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<td>Bed and Breakfast Rooms</td>
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<td>Boardinghouses</td>
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<tr>
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<tr>
<td>Campgrounds</td>
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<td>X</td>
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<tr>
<td>School</td>
<td>X</td>
<td>CU</td>
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<tr>
<td>Cultural Facilities</td>
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<tr>
<td>Church</td>
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<tr>
<td>Day Care Centers</td>
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<tr>
<td>Land Uses</td>
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<td>Duplexes</td>
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<td>Duplexes on lots of 7,200 square feet or larger</td>
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<td>Libraries and Museums</td>
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<tr>
<td>Lounge</td>
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<tr>
<td>Medical-Dental Clinics</td>
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<td>Multifamily Dwellings</td>
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<tr>
<td>Nurseries</td>
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<td>Nursing Homes</td>
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<tr>
<td>Offices</td>
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<td>Parking Facilities</td>
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<td>Public Market</td>
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<td>Schools and Grounds, Administrative Offices and Related Facilities</td>
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<td>Land Uses</td>
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<tr>
<td>Residential Zone Offices</td>
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<td>Restaurant (exclusive of fast food and drive-in)</td>
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<tr>
<td>Retail</td>
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<tr>
<td>Retreat/Conference Center</td>
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<td>Senior Retirement Facilities</td>
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<tr>
<td>Service Stations</td>
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<td>Social and Recreational Facilities</td>
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<td>Social Service Facilities</td>
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<td>Taverns</td>
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<td>Theaters</td>
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<td>Type I and II Home Occupations</td>
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<tr>
<td>Type III Home Occupations</td>
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<td>CU</td>
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<tr>
<td>Veterinary Clinics for Small Animals</td>
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<tr>
<td>Wellness Retreat</td>
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<td>CU</td>
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<tr>
<td>Winery</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Winery Bar</td>
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<tr>
<td>Wireless Communication Antenna Arrays</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

P – Permitted
S – Secondary

CU – Conditional Use

X – Not Permitted

*All uses permitted in the NB Zone are also permitted in the NB Retail Overlay Zone

(Ord. 1023 § 3, 2015; Ord. 1016 § 3, 2015; Ord. 1004 § 4 (Exh. E), 2014)

Section 3. Chapter 18.22 of the Langley Municipal Code, is hereby amended as follows:

By adding Chapter 18.22.250 Green Building Standards

Purpose:
This section is established to promote clean energy production by citizens and businesses; ensure that green building systems are compatible with the principal structure and development on adjacent properties; provide options to traditional energy use; and promote reduction of energy use within the City.

18.22.255 Setbacks

A. Ground mounted small wind energy systems may be located in any setback provided they are located a minimum of 13 feet from all lot lines and residential buildings or 1/2 the setback distance, whichever is greater.

B. Ground mounted solar collectors shall meet setback requirements for the front and side yards for accessory structures in the zone district in which it is located and may be located in the rear yard provided they are located a minimum of 1/2 the setback distance.

C. Green walls can project into a building setback by 2 feet.

D. Rainwater collecting structures, equipment and apparatus, including rain barrels and cisterns, that do not require a building permit may be sited within the required building setbacks.

E. Where exterior wall thickness is in excess of 6.5 inches provided that the wall thickness is utilized for the provision of insulting materials and/or protection against wind, water and vapor, the minimum distance to an abutting lot line as permitted elsewhere in the Code may be reduced by 10 inches

18.22.260 Height

A. Solar Collectors may exceed the maximum height regulations in this Code to a maximum of 4 feet
   (i) provided that the installation does not shade an existing Solar Collector or properties on January 21st, at noon, any more than would a structure built to the maximum permitted elsewhere in this Code;
   (ii) projects no greater than 4 feet above a flat roof; and
   (iii) projects no greater 1 feet above a pitched roof.
B. Green Roofs may exceed the maximum height regulations in this Code to a maximum of 1.5 feet provided the installation is limited to a depth of 1.5 feet.

C. Small wind energy systems may exceed twice the maximum height permitted for the zone district in which it is located.

D. Where ceiling height is in excess of 6.5 inches provided that the additional ceiling height is utilized for the provision of insulating materials and/or protection against wind, water and vapor, ceiling height may be increased by 10 inches

18.22.265 Solar Access
A. To protect solar access for properties to the north, rooftop features on any building 30 feet in height, shall be located at least 10 feet from the north edge of the roof, or shadow diagrams shall be provided to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk.

18.22.270 Maximum Lot Coverage
A. Ground mounted solar collectors are excluded from lot coverage calculations.

Section 4. Chapter 18.25 of the Langley Municipal Code, is hereby amended as follows:

By deleting the following sections:

18.25.020 Height.
A. Maximum Height. The maximum height shall be 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.

B. Sloped Lots. On sloped lots, additional height shall be permitted along the lower elevation of the structure footprint, at the rate of one foot for each six percent of slope, to a maximum additional height of five feet.

C. Solar Access/Rooftop Features. In order to protect solar access for property to the north, the applicant shall either locate rooftop features at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21st at noon no more than would a structure built to maximum permitted bulk. (Ord. 527, 1999)

18.25.060 Parking and access.
A. Parking Quantity. Parking shall be required as provided in Chapter 18.22.

B. Access to Parking. Street or alley access permitted: Access to parking may be from either the alley or the street. The following factors shall be considered:

1. Safety; and
2. Impacts on adjacent zones, particularly single-family, and

3. Topography.

C. Location of Parking.

1. Parking shall be located on the same site as the principal use.

2. Parking may be located in or under the structure; provided, that the parking is screened from direct street view by the street facing facades of the structure and/or by garage doors.


Section 5. Chapter 18.34 of the Langley Municipal Code, is hereby amended as follows:

18.34.030 Scope is hereby amended as follows:

18.34.030 Scope.  
A. Design review shall apply to all nonresidential development in the central business, public and neighborhood business zones and certain development in the residential zones including multifamily development, planned unit developments, cottage housing, clustered residential development detached accessory dwelling units, wireless communication antenna arrays, and accessory buildings larger than 1,200 square feet are subject to the provisions of this chapter as set forth in Section 18.22.050(B)(2)(b). Specifically exempt from design review are developments involving one- and two-family dwellings unless part of a larger project that is subject to design review.

B. “Development” means any improvement to real property open to exterior view including, but not limited to, buildings, structures, fixtures, landscaping, site screening, parking lots, lighting, pedestrian facilities, street furniture and improvements (not to include street maintenance), use of open areas, whether all or any are publicly or privately sponsored, and signs (per Chapter 18.35). Included in this definition are modifications of a substantial nature to existing buildings, including changes to structural components and changes in the exterior size of buildings, but does not include color changes.

“Development” does not include underground utilities. All development by the city and other public agencies shall be subject to design review with the exception of development within a public street right-of-way. Development by the city within street rights-of-way shall be subject to advisory review and recommendation by the design advisory board for consideration by the mayor and city council in approving the project.

By adding subsection B. 1.
For the purpose of this chapter, Development does not include underground utilities, color changes to the exterior of building; roof-mounted green building systems and ground mounted green building systems in rear yard setbacks.

C. Concept Review. Concept review with the design advisory board is recommended for all projects. The purpose of the concept review is to allow for review and input from the design advisory board prior to final design and before detailed plans are developed. Concept review will be required by the planning official for all projects that are determined to have the potential for substantial impacts on the design and character of the community. At a minimum projects subject to Type I or Type II site plan review, binding site plans, cottage housing and planned unit developments shall be required to have both a concept review and a final review by the design advisory board prior to the issuance of a project recommendation. At the request of applicants the design advisory board will conduct and facilitate design workshops as part of the conceptual review. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 788, 2000; Ord. 733, 1997; Ord. 696, 1995)

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

Section 1. Green Building Ordinance. The City Council adopts the City of Langley Green Building Ordinance and the minutes of the public hearing attached as Exhibit A hereto.

Section 2. 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 3. 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.
ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS ____ DAY OF __________, 2018.

CITY OF LANGLEY

________________________________________
Tim Callison, Mayor

APPROVED AS TO FORM

MICHAEL R. KENYON, CITY ATTORNEY

ATTEST

________________________________________
DEBBIE L. MAHLER, CITY CLERK
EXHIBIT B

Planning Advisory Board
Public Hearing for the Green Building Ordinance
March 7, 2018

Green Building Ordinance Public Hearing

PAB members present: Thomas Gill, Chair, JR Fulton, Maralie Johnson (alternate), Burt Beusch, Rhonda Salerno, Roger Gage

The Chair opened the public hearing at 3:02 pm. Planner Reynolds briefly summarized elements of the ordinance and the steps taken for its adoption. She also referenced the one written email received from Kim Drury. No changes are proposed as a result of this email.

The Chair asked if anyone would like to give testimony to the ordinance.

Linda Irvine spoke in support of the ordinance indicating that it clarifies the steps to encourage solar and other green building systems and set an example for others. This will also encourage economic growth as it creates employment for installers of these systems. This will also facilitate more energy independence. She also asked about the Kw hour reference which she will discuss with Brigid outside of the meeting. Linda encouraged the PAB to recommend approval of this ordinance.

Rhonda expressed a lot of support for the ordinance. She noted that wind generators even small ones can be loud and asked if there is anything in the code to protect citizens from this noise. Brigid stated there is nothing specific in the noise ordinance.

The Chair asked if there were any more comments. Hearing none the public hearing was closed at 3:11 pm.

Moved by Rhonda Salerno and seconded by JR Fulton to recommend approval of the ordinance. All in favor.