CITY OF LANGLEY DRAFT COUNCIL AGENDA
June 5, 2017 5:30 PM

1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call

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 5/15/17...............................................1-4
   b. Approval of claims warrants and EFTs Nos. __ in the amount of $32,527.54..........5-10

4. COUNCIL CANDIDATE INTERVIEWS
   a. Burt Beusch.................................................................11-13
   b. Christy Korrow..........................................................14
   c. Frank Rose...............................................................15-16

5. EXECUTIVE SESSION – To evaluate the qualifications of candidates for public office

6. APPOINTMENT OF COUNCILMEMBER TO VACANT POSITION
   Swearing in of Councilmember

7. COMMISSION AND BOARD REPORTS
   Langley Library Report
   Langley Cemetery Board semi-annual report
   Parks and Open Space semi-annual report

8. CITIZEN COMMENTS *

7. MAYOR’S REPORT

8. UNFINISHED BUSINESS
   Ordinance re Immigration enforcement and equal protection – 1st reading..........17-23
   Resolution approving amendments to the County-wide Planning Policies – 1st read...24-25

9. NEW BUSINESS
   Tim Leonard – Discussion of amplified music regulations in NB zone.................26-31
   (copy of Ord. 989, current rules included)

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
May 15, 2017

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

MOTION: To approve the agenda as amended. The business license revocation hearing was removed, as the business came into compliance earlier in the day. Motion - Allen, 2nd - Gill.

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

CONSENT AGENDA

Approval of Council meeting minutes of 5-1-17
Approval of claims warrants Nos. 35964-36006 and EFT’s in the amount of $66,190.59
Approval of payroll warrants Nos. 35861-35880 (4/15/17) in the amount of $39,531.72 and Nos. 35914-35937 (4/30/17) in the amount of $74,684.48

COMMISSION AND BOARD REPORTS

Rene Neff read her letter of resignation from the Council. This was her last meeting due to health problems. Rene expressed her gratitude to the Council and Main Street for all their hard work to make the city a healthy and beautiful place.

CITIZEN COMMENTS

Carly Olsen a resident of Greenbank, spoke on behalf of her son Terry, who worked for Kelly Baugh at Sundance Bakery. She stated that the business owner belittled him, did not pay him for time worked, and threatened him with physical harm. She has called the attorney general, police, irs, and many others. The business was scheduled for a revocation of business license hearing at tonight’s meeting, but she came in and paid her overdue license fees earlier today.

Ed Anderson stated that within the City of Langley, people voted highly democratic in the last elections. He finds it hard to believe that people in the community are against the inclusive ordinance. He thinks the majority point of view is for the ordinance. Lee Rebman of Langley spoke against passing a sanctuary city ordinance. He feels they are a blatant violation of federal law. It could subject the city to loss of federal funding, and increases the chance of sending federal agents into Langley to enforce federal law. There is a personal risk for those who have taken an oath of office. There is no reward for the risk. It does not make sense to him to pass such a law. He stated that this should be a non-issue and has cost a lot of money and time. If you obey laws you agree with and don’t obey those you don’t agree with; it creates a state of anarchy. His wife is an immigrant. She went through all the steps to become a legal citizen. At the city
level, we should not be concerned with these kinds of matters. Sharon Emerson reiterated that Langley is a liberal, democratic city and thinks the majority of them are in support of the ordinance.

Sue Van Etten attended council meeting where Rene asked for an ordinance to be drafted for inclusivity that would not conflict with oaths and the ordinance should not conflict. She asked Chief Marks how he would reply if asked by ICE to identify, and arrest without a warrant. Chief Marks said he would not arrest without a criminal warrant. She also did not feel it was ethical to withhold the City attorney advice.

Mike Kenyon, City Attorney explained attorney/client privilege. John Graham said he did not agree with the council/city not releasing the attorney/client privilege. John believes there is virtually no risk in passing the ordinance. No loss, and no cost to the city. He does not believe the ordinance is a violation of federal law, and is convinced that a majority of Langley is for it.

Councilwomen Shudy stated that it is not just conservative republicans that are opposed to this ordinance. She thinks it is a huge misunderstanding that all liberals are for this. She has heard from many democrats opposing this. She respects everyone’s opinion and does not believe this is a partisan issue.

UNFINISHED BUSINESS

*County Wide Planning Policies proposed amendments.* The County Commissioners adopted the County Wide Planning Policies (CWPP) in November of 2015 and their Comp Plan in December 2016. These documents established the Joint Planning Areas (JPA) and land designation overlays as well as policies to guide future planning in those areas. Due to subsequent conversations with the Department of Commerce and Oak Harbor, Island County planning has suggested revisions. Brigid explained the proposed revisions that affect Langley. The revisions have minimal impact on Langley’s current draft Comp Plan except for some map amendments. Brigid took the proposed amendments to the PAB for review and discussion at their last meeting, but there was no quorum and no recommendation made. They are renaming the JPA to priority planning area. Island County wants comments by end of month. Brigid will take our Comp Plan to the PAB before scheduling a joint Council/PAB meeting.

Sharon Emerson, president of Seawall Park Committee spoke on the committee’s progress. She requested that the city not do any improvements to the park until the committee has made their recommendations to the city. The Seawall Park Committee is to make recommendations to city council on what should be done at the park. Council suggested a deadline for Seawall Park Committee to complete work/report by the June 19th meeting. Parks and Open Space Committee would like to see the committee’s plan before it goes to Council.

STAFF REPORTS

*Community Planning.* Brigid reported the Arts Commission is doing an RFP for art in Clyde Alley that will be paid for by donations. Lorinda and Brigid are doing a presentation on the complete streets project, DRB has sign applications for the school District, Island Dance, and WICA. She met last week with Langley Passages; that development is working to meet the various conditions for development. Brigid may be issuing building permit for Doghouse by the end of this week.

*Public Works.* Stan Berryman reported that the Cascade/Camano street project has been put out to bid by the County. Construction should be done sometime this summer. The First Street sidewalk design final meeting is tomorrow at 2 PM. Stan met with the cemetery board and public works is going to be picking Council Meeting Minutes May 15, 2017
up the garbage at Cemetery from now on. A volunteer has been doing it, but it has gotten to be too much for him. A diver was hired to do inspection, cleaning and repairs to the water reservoir. They City has been awarded another grant for pavement repair on 3rd Street near Minnie Lane, for a little over $20,000.

**Police.** Dave Marks reported that the department has increased traffic enforcement coming into town. Everyone in department is within 2 hours of years’ training requirement. Chief Marks met with the Sheriff and Law Tac committee and both entities are pulling out of membership with NW LEARN, a backup communications tower agreement that is not working for them.

**Finance.** Debbie Mahler distributed monthly revenue and expenditure reports and financial graphs for the month of April. Debbie reported that all funds are well within budget at this time. Tax revenues are over what they were at this time last year. The annual reports to the State are almost complete and ready to be submitted. That should be done in the next couple days.

**MAYORS REPORT**

Mayor Callison attended the Port’s Fairgrounds Advisory Board first meeting. Councilwoman Dominique Emerson is vice president. The committee will advise the Port and make recommendations on Fairgrounds activity. He attended the Langley Chamber monthly meeting on the 10th. Three new businesses have opened in the City. The Mayor attended the League of Women Voters Annual Dinner with the Mayors on May 11th.

**NEW BUSINESS**

Mike Kenyon City Attorney explained his legal advice regarding the proposed ordinance of inclusivity. He looked at conflicts between the proposed ordinance, city code, police and oaths of office. He feels adopting the ordinance creates a conflict with city code and police duties and oath of offices. He was also concerned with Civil service matters and internal discipline.

**MOTION:** To ask the City Attorney to research a way to resolve conflicts with the oaths of office and amendments to address code/police conflicts. Motion - Emerson, 2nd - Neff. Motion passed with Allen against.

**COUNCIL REPORTS**

Dominique Emerson attended the Port meeting and reported that work will be done at Possession Point this summer. People are complaining it will be closed during the best fishing time, but it must be scheduled according to tides, etc. The Clinton dock work for disability access is proceeding. The Port has a new website. The contract with Goosefoot for the commercial kitchen at the fairgrounds has been signed. The car show is on July 8th, and they have new signage for the campground. Dockstock will be on August 18th and 19th. Bruce Allen reported the HUB received a $6,000 check from a foundation that will allow them to stay open for the summer.

The meeting was adjourned at 7:45 PM.

Council Meeting Minutes May 15, 2017
Respectfully submitted,

Debbie L. Mahler, Director of Finance/City Clerk

Council Meeting Minutes May 15, 2017
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**Total** $10,037.40
Dear Debbie Mahler,

Please consider this note as my letter of application for appointment to the Langley City Council's Position # 1 replacing Rene Neff. You will also find my resume attached to this note for your review.

During my career I gathered considerable experience growing businesses and developing people toward their own successful careers. I am in a position now where I can commit my time to assisting the City Council with matters that are important to the City today - and for the future. I am very eager to 'give something back' to the Village by the Sea in exchange for the happiness it has given my wife and me for the past 25 years.

Kindly respond to this note to confirm you have received it and let me know if there is anything else required.

Thank you, Debbie.

Sincerely,
Burt Beusch
206.551.5182
BURT BEUSCH  
First Street / Langley WA 98260  
Cell: 206-551-5182  
E-Mail: burtbeusch@gmail.com

Summary of Experience

Business executive with considerable experience designing, leading and implementing a broad range of realignment strategies, revenue growth and increased profitability.

Summary of Qualifications

- Operations Management; warehousing, logistics and distribution practices, asset management, multiple locations, facilities management, safety programs, fleet management, prompt evaluation and solutions, vendor and subcontractor relationships
- Sales and Marketing Management; training, monitor gross profits, price analysis, evaluate performance, create incentive plans, multiple locations, merchandising
- Financial Administration; annual budgets, full P&L responsibility, forecasting, ‘open book’ approach, cost analysis, monitor results
- General Management; assess organization and culture, establish vital factors, ensure high quality standards, implement efficiencies, ‘one page’ performance appraisals
- Business Standards; standard practice instruction, process mapping, customer focus
- Leadership; coaching, empower people to high levels of performance, team building

Employment History

MBI – Director of Operations  
A Herman Miller dealer in Seattle WA  
2008 to 2015

Commercial Office Interiors – Vice President of Operations  
A Knoll and Allsteel dealer in Seattle WA  
2002 to 2008

Business Interiors Northwest - General Manager  
A Herman Miller dealer in Seattle WA  
1997 to 2001

Cort Business Services - District General Manager  
A residential and office furnishings rental company in Seattle WA  
1992 to 1997

Bank & Office Interiors - Contract Sales Manager  
A Steelcase dealer in Seattle WA  
1991 to 1992
Education and Seminars

Black Hills State College – Business Administration – Spearfish SD

Omega Seminars – Welches OR

Management Action Program – Seattle WA

Six Sigma Training – Seattle

Brief Summary of Achievements and Practices

- Reorganized a struggling installation and services organization into an efficient and profitable team by realigning staff strengths, developing a labor tracking process, improving business processes, increasing performance standards and measuring with clear KPIs. Profits soared despite same year-to-year revenues (MBI)

- Participated as an active member of the Executive Committee influencing the company’s financial and staffing decisions while continuously improving processes and efficiencies resulting in increased profitability (Commercial Office Interiors)

- Directed the project management, delivery and installation of more than 5000 workstations in the new 42 story Washington Mutual Center in downtown Seattle. Every deadline was met in a very aggressive thirteen month schedule, last minute changes on every floor were accommodated and the customer was completely satisfied with the final result (Commercial Office Interiors)

- Conducted ‘vital factor team meetings’ with managers to include them in planning, strategizing, expense control and solutions. As a result, we achieved 194% of our annual service contribution budget in the first six months of FY 2001 (BINW)

- Created an active service sales environment by adding a salesperson, appointing a Service Net representative, opening a remanufacturing center, implementing an asset management program and streamlining overall billing procedures. These changes increased our FY 2000 service revenues 377% over previous year (BINW)

- Directed aggressive sales approach toward increased market share, improved merchandising practices and managed with clearly defined business standards while involving management team in cost controls. These practices increased earnings by 70% on revenue growth of 40% over four years (Cort Business Services)
Hi Debbie,

Please put my name in the hat to be considered for Rene Neff's open seat. I have also filed to run for Seat 1.

Mayor Tim asked that I submit a short summary of my experience.

I pasted it below. Hope it's okay. :)

Thank you,

Christy

I think Langley is a wonderful community and as a member of the Planning Board and as a developer, I enjoyed interfacing with the City staff, boards, and council members, and participating in city business. I am not putting my name in the hat due to interest in a specific issue or with a set agenda, but rather because I have an interest in working on behalf of the community to get the business done that comes across the council’s desk in a way that best represents the wishes and is in the best interest of the community.

I like to listen to all sides of an issue and I like to interact with a wide range of people including those who think differently than I do. The people I spend time with, my friends and acquaintances, span a lot of different circles in our town—ranging from people who were born and raised here to people who came here to find a new home; from business owners to retired people; from those who are quite prosperous to those who live on very little money; and families and young adults.

My husband and I are starting our 7th year in Langley, and while in many ways we are still newcomers, we just completed building our own home here, we shop, eat, bank, and do as much business in town as we can--we have a long term commitment to Langley. Thank you in advance for the opportunity to be considered for the open council seat.

Employment:  
Currently employed as a magazine editor (17 years) and publishing professional working in editorial management as well as managing a legal archive for over 500 titles, granting publishing-related legal permits and licenses such as author contracts and foreign rights sales (7 years).

Community involvement:  
Chair, City of Langley Planning Advisory Board: Member Jan. 2016-Present. Study of Comp Plan, Langley Zoning, Langley housing continuum, land use, sewer system, UGA, JPA, etc, Ethics Code, Various other sections of LMC.

Upper Langley, LLC: 2011-2015. Co-developer of 16-lot subdivision in Langley city limits: development of site plan, overseeing engineering and surveying, obtaining permits (SEPA, DNR, Compliance with City of Langley codes), development of deed restriction for perpetual affordability, CCRs, bylaws, real estate sales, formation of LLC and HOA.


Whidbey Life Magazine: Columnist/wine journalism topics covering local businesses include: Primo Bistro Wine List, 2nd Street Wine Shop, Wine and Chocolate Tour.

Local Agriculture: Participation in the Anderson Family Farm (Langley), host agriculture study group.

Christy Korrow
From: Frank Rose  
To: Debbie Mahler City Clerk

I am responding to the City Of Langley notice posted in the South Whidbey Record by the City of Langley on 05/24/17, to fill the City Council position vacated by Rene Neff. I am a registered Voter and a resident of Langley, residing at 1180 Cedar Circle for 5 years.

For three years, I have been working closely with the City Staff, advisory boards and the City Council on public art projects, economic development and the rewriting of the Langley Comprehensive Plan. In this process I have become familiar with the City’s administration policies and ordinances that challenge City Council Members in maintaining and improving the quality of life for our citizens.

My experience consist of: 27 years of active duty in the United States Navy, 10 years of working for corporations in upper management roles and 30 years of volunteer work in Island non-profit organizations. (See attached resume)

I have attended City required workshops on Open Public Meetings, Public Records and Ethics and I have attended a Comprehensive Land Use Planning and Island County Tourism workshop.

Areas in which I look forward to being involved in, are: budget development and adherence within the City’s income, quality City services, enforcement of laws and ordinances, emergency management planning, the prosperity of the City’s inner core and the development of a Langley Arts District.

Sincerely,
Frank Rose

[Signature]
Frank Rose

Background:

- Retired from United States Navy, Lieutenant Commander
- Project/program manager, several technical support companies
- Volunteer Fireman/First Responder, Saratoga Fire Station.
- President, Whidbey Island Arts Council.
- Founder, Whidbey Island Center for the Arts
- Vice President and Treasurer, Whidbey Island Center for the Arts
- Choochokam Operations Director

Currently:

- Chairman, Langley Arts Commission.
- Member, Seawall Park Committee.
- Vice President, Whidbey Island Arts Council.
- Board Member, Sculpture Northwest
- Member, Freeland Arts Studios

Skills:

- Non-profit strategic planning
- Program management
- Budget development
- Capital campaign planning and execution
- Project activity risk analysis
- Proposal and grant writing

Awards

- Navy Commendation and United Nations Medal
- Hometown Hero
- City of Langley “Pin of Excellence”
From: Mike Kenyon <Mike@kenyondisend.com>
Sent: Thursday, May 25, 2017 10:55 AM
To: Tim Callison
Cc: Debbie Mahler; Margaret Starkey
Subject: Inclusive City ordinance
Attachments: ORDINANCE re immigration status - DM - 3.13.17 - CLEAN.docx

Tim:

Please find attached an updated draft of the Inclusive City ordinance which has been amended as directed by the City Council at its meeting of May 15. All of our proposed amendments are shown in track change format. Specifically:

1. Section 9.01.060 now makes clear that the ordinance cannot be construed to prohibit Langley Police officers from fulfilling their duties under LMC Chapter 2.18 to investigate and make lawful arrests for violations of city, state, and federal criminal laws; and

2. Section 9.01.080 now makes clear that a violation of the ordinance shall not be grounds for any disciplinary or other adverse administrative action, nor shall any violation be deemed to constitute a violation of any oath of office.

Additionally with respect to oaths of office, our research revealed that no particular oath is required of city officials. Langley, as an optional municipal code city, is primarily governed by Chapter 35A RCW. Under RCW 35A.12.080, “Any officer before entering upon the performance of his or her duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his or her duties.”

Since Langley’s code does not include a specific required form of oath, Langley’s elected officials must take the oath specified in RCW 29A.04.033. In order to be “qualified” to hold office under RCW 29A.04.033, “The [election] winner has taken and subscribed an oath or affirmation in compliance with the appropriate statute, or if none is specified, that he or she will faithfully and impartially discharge the duties of the office to the best of his or her ability.”

As we understand it, however, the oath actually taken by Langley elected officials is the MRSC-recommended oath, and includes the additional affirmation that the official will “support and maintain the laws and Constitution of the State of Washington and of the United States of America, and all local ordinances . . . .”

In order to avoid a conflict between the draft ordinance and the oath actually taken by Langley’s elected officials, we have included the new subsection LMC 9.01.080(B). Another alternative going forward is to limit the form of oath taken by Langley elected officials to an affirmation that they will “faithfully and impartially discharge the duties of the office to the best of his or her ability” pursuant to RCW 29A.04.033.

Finally, I did receive and briefly review the e-mail and attachments received from John Graham on May 19. It’s possible that Mr. Graham misunderstands the role of the City Attorney. As City Attorney, I am neither for nor against the draft ordinance. Rather, my role is to take direction provided by a majority vote of the Council at an open public meeting, and then to provide our legal advice and counsel on those matters. We have consistently done so with respect to the draft ordinance and other matters delegated to us.
I understand that Mr. Graham agrees with the ACLU’s position. I understand equally that Attorney General Sessions and the Department of Justice do not. The City of Langley will not be able to resolve that disagreement.

As I said in my remarks to the Council in January and again on May 15, it makes little sense from a resource standpoint for Langley to become a lightning rod or otherwise to voluntarily assume legal risk that it need not assume in an effort to definitively resolve political and legal issues of national scope. I understand of course that the City Council may feel differently and may well adopt the draft ordinance. In that case, we will of course work to implement the Council’s policy decision. While our role includes analysis of the risks associated with alternative courses of action, we understand that the Council is not obligated to accept our recommendations.

Please let me know if you have questions or would like additional information. Thanks. MK

Michael R. Kenyon
Kenyon Disend, PLLC
The Municipal Law Firm
11 Front Street South
Issaquah, WA 98027-3820

Tel: (425) 392-7090
Fax: (425) 392-7071
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ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON RELATING TO CITY POLICY WITH RESPECT TO IMMIGRATION ENFORCEMENT, EQUAL PROTECTION, AND EQUAL PROVISION OF CITY SERVICES REGARDLESS OF IMMIGRATION STATUS, CREATING A NEW CHAPTER 9.01 OF THE LANGLEY MUNICIPAL CODE REGARDING SUCH MATTERS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Langley welcomes and supports immigrants and refugees from all nationalities, religions, and backgrounds with policies and programs that foster inclusion for all:

WHEREAS, the City of Langley protects the rights guaranteed to the people by the U.S. Constitution and Washington State Constitution and will oppose any unconstitutional policies that threaten these rights or the security of its residents;

WHEREAS, the City of Langley will not cooperate or assist with any unconstitutional or illegal registration or surveillance programs or any other unconstitutional or illegal laws, rules, or policies, including, but not limited to, those that target those of the Muslim faith or of Middle Eastern descent and rejects any attempts to characterize family, friends, neighbors, and colleagues as enemies of the state based solely on religious or ethnic background;

WHEREAS, the City of Langley will not cooperate or assist with any unconstitutional or illegal registration or surveillance programs or any other unconstitutional or illegal laws, rules, or policies, including, but not limited to, those that target members of our community with unresolved civil or administrative immigration issues;

WHEREAS, the City of Langley affirms the principles of the Tenth Amendment of the U.S. Constitution which limit federal incursion into the powers reserved to the States and which enables municipal entities to have authority and control over their law enforcement resources; and

WHEREAS, the Langley Police Department will focus on the safety and security of all our residents regardless of civil immigration status, and the Langley City Council declines to allow Langley police officers to be compelled into service as de facto immigration officers. As such, the City reserves the right to reject any offer from the federal government to enter into a Section 287(g) agreement per the Immigration and Nationality Act.

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

Section 1. Declaration. The City of Langley City Council hereby declares that the policy of the City of Langley is that all people are valued, have inherent liberty interests, and should be afforded dignity and respect regardless of status or identity including race, gender, sexual orientation, religion, immigration status, or national or ethnic origin. The City Council enacts this
ordinance, entitled the "Ordinance Re Equal Protection and Provision of Services Regardless of Immigration Status" in furtherance of that policy.

Section 2. Chapter Created. There is hereby created a new Chapter 9.01 of the Langley Municipal Code entitled "Equal Protection and Provision of Services regardless of Immigration Status" which shall read as follows:

Section 9.01.010 - Findings. The Langley City Council finds as follows:

(a) The City of Langley is a code city organized under Chapter 35A RCW, and Article 11, Section 10 of the Washington State Constitution. Under its police powers, the City may exercise any power and perform any function, unless preempted by or in conflict with state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants and to maintain authority over its internal resources and policies. To this end, the City has dedicated itself to providing all of its residents with fair and equal access to services, opportunities, and protection and to maximize public safety for the entire Langley community.

(b) The enforcement of civil and administrative immigration laws is a responsibility of the federal government. Since 2002, matters of immigration law have been handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained, to enforce civil immigration laws forces local governments to expend their limited resources to perform traditionally federal functions and diminishes the effectiveness of local law enforcement whose mission is to ensure public safety for the entire community.

(c) The goals of this ordinance are to affirm and foster trust and cooperation between law enforcement officials and immigrant communities, to heighten crime prevention and public safety, and to reaffirm the City's commitment to equal access to City services, all so that families and persons may continue to be productive members of the Langley community. All Langley residents should be confident in seeking the assistance of law enforcement, regardless of their civil immigration status and confident in their ability to receive city services without inquiry into their civil immigration status to the fullest extent permitted by law. LMC Chapter 9.01 is intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373 and shall be interpreted in a manner consistent with such laws.

Section 9.01.020 - Equal Protection. City personnel shall not condition the provision of city services or initiate any enforcement action based on a person's:

(a) civil or administrative immigration status;
(b) race, creed, color, national origin, or other protected status as set forth in RCW 49.60; or
(c) lack of proficiency in speaking the English language.
Section 9.01.030 - Civil Federal Immigration Law. City police officers shall not use any city funds or resources solely to enforce civil or administrative federal immigrations laws. "Enforce," as used in this subsection, includes stopping, questioning, interrogating, investigating, or arresting an individual. Absent a judicial warrant or judicial order, an officer shall not detain or hold any individual solely for the purpose of investigating or enforcing a violation of civil or administrative federal immigration laws or related civil immigration warrant or detainer request, including those identified in the National Crime Information Center database. The Langley Police Department shall not conduct sweeps or other enforcement efforts to detain individuals solely on the basis of a violation of federal civil or administrative immigration laws.

Section 9.01.040 - Inquiry into Immigration Status. City police officers shall not request documents relating to a person's civil immigration status or inquire into the immigration status of an individual, including, but not limited to, a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual. The term "documents," as included in this subsection, includes, but is not limited to passports, immigration registration cards, and work permits.

Section 9.01.050 - Identification Documentation. Except when otherwise required by law, where the City accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate issued document, will be accepted and will not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. This provision shall not apply to the Langley Police Department's enforcement of traffic laws, including Title 46 RCW and applicable Langley Municipal Code provisions, which require the driver of a vehicle to possess a valid driver's license. However, a request for translation of such a photo identity document to English shall not be deemed to violate any provision of LMC Chapter 9.01.

Section 9.01.060 - Certain Activity Not Precluded. Nothing in LMC Chapter 9.01 shall be construed to preclude the Police Chief or any City police officer from fulfilling their duties under LMC Chapter 2.18 to investigate and make lawful arrests for violations of city, state, and federal criminal laws.

Nothing in LMC Chapter 9.01 shall be construed to preclude the Police Chief, any City police officer, or other City employee from:

(a) Confirming identity under RCW 46.20.035 which lists valid forms of identification under state laws related to drivers' licenses and permit requirements;
(b) Providing a liaison function to federal agents, when requested, for the purpose of peacekeeping measures; provided that such function shall not include using city funds or resources to stop, question, interrogate, investigate, or arrest persons based on civil or administrative immigration status;
(c) Engaging in all steps necessary and appropriate to comply with the I-9 Employment Eligibility Verification process for the purpose of employment eligibility as required by federal law;
(d) Engaging in all steps necessary and appropriate to comply with the Public Records Act;
(e) Performing any action that is required by federal or state statute, local law, or court decision or order.

**Section 9.01.070 – Prohibition on Collecting Information Regarding Religious Affiliation.**
No Langley official, including any agent or contracted agent, may collect information or establish or otherwise utilize a registry, database, or similar compilation for the purpose of classifying any person on the basis of religious affiliation, or conduct any study related to the collection of such information or the establishment or utilization of such a registry, database or similar compilation. Nothing in this section may be construed as prohibiting the collection of information that is voluntarily or anonymously provided relating the decennial census.

**Section 9.01.080 - No Private Right of Action or Special Relationship Created.** LMC
Chapter 9.01 and its enacting ordinance are adopted in furtherance of the City’s general powers related to public health, safety, and welfare and do not create a private right of action or form the basis for liability of any kind on the part of the City, its officers, employees or agents. Accordingly:

**A. A violation of this chapter shall not subject any City officer or employee to disciplinary or other adverse administrative action;**
**B. A violation of this chapter shall not constitute a violation of the oath of office administered to any City officer or employee;**
**C. LMC 9.01 and its enacting ordinance shall not be construed to create any special relationship or any expectation of specific treatment in specific circumstances. LMC Chapter 9.01 and its enacting ordinance shall be interpreted in a manner consistent with RCW 49.60 and is not intended to expand any of the rights, duties, or obligations provided under RCW 49.60.**

**Section 2. Severability**
If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Effective date of ordinance**
This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held on the ___ day of ____________, 2017.

______________________________
TIM CALLISON, Mayor

ATTEST:
DEBBIE L. MAHLER, Director of Finance/City Clerk

APPROVED AS TO FORM:

__________________________
MICHAEL R. KENYON, City Attorney
CITY OF LANGLEY, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LANGLEY, WASHINGTON, RATIFYING THE AMENDMENTS TO THE COUNTYWIDE PLANNING POLICIES PREPARED BY THE ISLAND COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, as follows:

Section 1. Recitals and Findings. The City Council of the City of Langley hereby makes the following findings:

WHEREAS, RCW 36.70a.210, the Washington State Growth Management Act of 1990, as amended, requires each County planning under the Act to adopt a county-wide planning policy (CWPP) in cooperation with cities located in the whole or in part within the county; and

WHEREAS, CWPPs are written policy statements used to establish a countywide framework from which county and municipal comprehensive plans are development and adopted to ensure consistency between plans as required by RCW 36.70A.100 and .210; and

WHEREAS, an Intergovernmental Planning Group (IWG) comprised of representatives from the planning departments of Coupeville, Island County, Langley, and Oak Harbor was formed for the purpose of facilitating the collaborative process described above and developing revised CWPPs; and

WHEREAS, the revised CWPPs were reviewed by the planning commissions and legislative bodies representing Coupeville, Langley, and Oak Harbor; and

WHEREAS, Island County sought to reconcile and incorporate comments and concerns provided by the legislative authorities of Coupeville, Langley, and Oak Harbor in the Countywide Planning Policies prior to adopting the proposed amendments to the CWPPs; and

WHEREAS, the Board of Island County Commissioners adopted ORD No. C-100-15, PLG-006-15 the Countywide Planning Policies on November 3, 2015 following a public hearing; and

WHEREAS, following adoption of the Countywide Planning Policies the Island County Planning and Community Development Department completed a review of the CWPP and determined the need for further clarification on some of the policies; and

WHEREAS, the proposed revisions are intended to align language, JPA expansion criteria, JPA designations, and the protection of resource lands of long term commercial significance more closely with the language and intend of the RCW and WAC; and

WHEREAS, the proposed revisions create a designation scheme in the JPA that considers the logistical expansion of the UGA and balances that objective against protection of critical areas and resource lands of long term commercial significance; and

WHEREAS, the proposed revisions eliminate language that directs or mandates changes to the development regulations and substitutes such language with language to guide the comprehensive plan and
Interlocal Agreements which in turn can inform changes to development regulations where more prescriptive language is appropriate; and

WHEREAS, the proposed revisions allow for certain conditions to be more accurately reflected in the Population Projections methodology and Buildable Lands Analysis; and

WHEREAS, the Intergovernmental Working Group met on March 8, 2017 to discuss the proposed revisions; and

WHEREAS, the Planning Advisory Board was presented the proposed revisions at its meeting of May 3, 2016 however there was no quorum and therefore no comments were received; and

WHEREAS, City of Langley Council was presented the proposed revisions at its regular meeting of May 8, 2016 without comments; and

WHEREAS, the Director of Community Planning provided Island County with comments regarding the CWPPs; and

WHEREAS, the comments included possible corrections to the definition of the ‘resource lands of long term commercial significance” to include reference to forest lands, a request for clarifying language regarding ‘lands extensively constrained by critical areas’ and a request for broader definition of critical areas to recognize that not all critical areas are mapped; and

WHEREAS, these comments/suggestions are now reflected in the revised CWPP that are attached as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANGLEY AS FOLLOWS:

The proposed revised Countywide Planning Policies attached as Exhibit A are hereby ratified on behalf of the population of the City of Langley.

Adopted this ________ day of June, 2017.

Mayor Tim Callison

ATTEST

Debbie L. Mahler, Finance Director/Clerk
ORDINANCE NO. 989

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, ADOPTING NEW SECTION 18.22.095, AMENDING SECTIONS 18.01.040, 18.16.020, AND 18.18.020 OF TITLE 18 OF THE LANGLEY MUNICIPAL CODE ADDRESSING COMMERCIAL DEVELOPMENT ADJACENT TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, REPEALING INTERIM ORDINANCE 979 AND SECTION 18.16.085, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City’s adopted Comprehensive Plan includes nine goals deemed to be essential in maintaining a satisfactory quality of life for Langley; and

WHEREAS, one such goal is the encouragement of changes that promote livability, pedestrian orientation, and thoughtful design, and limit stress factors such as noise and air pollution and traffic congestion; and

WHEREAS, certain development and potential development may occur in a manner that conflicts with one or more policies or other provisions of the adopted Comprehensive Plan; and

WHEREAS, the City of Langley intends by this ordinance to better implement the following Comprehensive Plan Policies, and to ensure that the City’s Comprehensive Plan remains consistent with its adopted development regulations:

2.5 Continue the conservation of housing through public investment in the infrastructure needed to service the community (water, sewer, storm drainage, streets, and pathways) and in development regulations necessary to prevent incompatible land use;

3.8 Require buffers (vegetation, fences, etc.) between certain land uses to minimize the impact of one use upon another, such as businesses adjacent to residences; and

3.9 Prevent incompatible land uses or blighting of residential neighborhoods through active code enforcement of available regulatory measures;

WHEREAS, the lack of sufficient regulations controlling and conditioning commercial development on sites adjacent to residentially zoned properties may potentially allow for incompatible land uses; and

WHEREAS, a vibrant downtown with opportunities for arts and entertainment is in the city’s interest and supports the economic viability of the community; and

WHEREAS, the SEPA Responsible Official has determined that this ordinance is exempt from SEPA review as a non-project action that is required for consistency with the comprehensive plan; and
WHEREAS, the city was granted expedited review from the Department of Commerce on September 11, 2012 in satisfaction of the review requirements of the Growth Management Act; and

WHEREAS, the Planning Advisory Board held a public hearing on December 10, 2012 to consider the proposal and accept public comment. Following the close of the public hearing the Planning Advisory Board unanimously recommended the city council adopt the ordinance as presented.

NOW, THEREFORE, be it ordained by the City Council of the City of Langley, Washington, as follows:

Section 1. A new section 18.22.095 of the Langley Municipal Code is hereby created to read as follows:

18.22.095 – COMMERCIAL DEVELOPMENT ADJACENT TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

1. Purpose. The special standards set forth below for commercial development adjacent to properties zoned single-family residential serve the following purposes:

A. In adopting these regulations, the City Council finds that commercial establishments adjacent to residential neighborhoods and in particular those uses selling alcoholic beverages, within the City of Langley may present problems that negatively affect adjacent residential neighborhoods.

B. Problems which can result include, but are not limited to, crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on the premises.

C. The City Council further finds that the existence of such problems may create a serious and negative impact on the peace, health, safety and welfare of residents of nearby areas including the devaluation of property and negatively impacting the quality of life of adjacent residents.

D. These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to their adjacency to residential neighborhoods.

E. The conditional use permit process is a means to review the effects of establishments selling alcoholic beverages on adjacent residential uses on a case by case basis, and to prevent the undesirable impacts on the community stemming from such uses by the imposition of reasonable conditions upon the operation of such uses.

2. Special Standards
A. **Scope.** These standards apply to all commercial development proposed adjacent to a single-family residential zoning district regardless of the underlying zoning district for the proposed commercial development.

B. Taverns, cocktail lounges and any establishment that is entirely restricted to those 21 and over are prohibited as a principal use. Age-restricted areas within licensed premises shall be allowed only as authorized below. Restaurants must meet food service requirements of the Washington State Liquor Control Board.

C. All premises licensed to sell alcohol for on-site consumption shall require a conditional use permit to establish, modify or expand the existing use. For hotels/motels/inn that contain a licensed premise, conditional use permit approval is only required to establish, modify or expand the licensed service area.

D. With a conditional use permit, an age-restricted lounge may be allowed as a secondary use within licensed premises. The size of the lounge shall be limited to 500 square feet of the customer service area (exclusive of service areas, but inclusive of the lounge area) for establishments that contain up to 2,500 square feet of customer service area. For establishments exceeding 2,500 square feet of customer service area, the lounge shall not exceed 25% of the customer service area. The principal use shall not be age-restricted at any time unless associated with a special events permit as authorized below and in compliance with the Washington State Liquor Control board laws.

E. All licensed premises are subject to a 30' buffer from all property lines adjacent to a single family residential zoning district, as measured from the common property line to the nearest point of the licensed premises (e.g., exterior wall, or any outside seating associated with the licensed premises) including all gross square footage associated with the establishment. The conditional use permit may include a requirement that the buffer area be landscaped to minimize adverse impacts on the adjacent residential area including impacts caused by changes in topography between the residential and commercial zones. Pre-existing uses that do not meet the buffer distance requirement may expand with a conditional use permit provided that the expansion meets all applicable requirements including setback and buffer requirements and does not encroach further towards the common boundary with any single-family residential zoning district. The city may allow, with conditional use permit approval, minor expansions within the buffer that do not expand customer service areas. Such expansions may include kitchen, bathroom or storage space.

F. Live amplified music is prohibited without a special events permit issued by the City Council. No exterior live amplified music shall be permitted. In order to obtain a special events permit, the applicant shall be required to demonstrate to the satisfaction of the City Council reasonable temporary or permanent means used to attenuate noise impacts to adjacent residential properties. A maximum of six special live amplified music permits may be issued in a calendar year. Live
music in a non-age restricted dining area shall require approval of the Washington State Liquor Control Board and a copy must be provided to the City prior to approval. Amplified live music associated with a special events permit shall cease at 10:00 p.m. Sunday through Thursday nights and 11:00 p.m. on Friday and Saturday nights. On New Year’s Eve, such amplified live music must cease by 1:00 a.m.

G. Setbacks: A standard setback of 15’ is required from all single family zoning district boundaries. The setbacks may be reduced to those required in the underlying zoning district with a Conditional Use Permit and following approval of the Design Review Board.

H. Location of parking: Parking shall be located on the side of the property opposite from the residential zoning or in the rear of the property. If the parking is in the rear of the property, screening is required to buffer the parking area from the residential property.

I. Building design: Building development shall be compatible in scale and character with the residential buildings in the vicinity. New or expanded buildings must include noise attenuation that addresses all potential noise impacts, including, but not limited to live music. Outside seating should only be allowed on the side of a building opposite the residential zone.

J. Special Conditional Use Standards – In addition to the required conditional use permit findings set forth in LMC 18.28.044 the following findings must also be made as part of any conditional use permit approval under this section:

a. The establishment has adequately mitigated impacts through the design and operation of the licensed premises on the surrounding residential neighborhood including, but not limited to, screening, location of parking, design and locations of entrances and exits, design and location of outdoor seating and service areas, noise emanating from the establishment including building infrastructure, and other measures to minimize noise impacts from customers leaving the establishment.

Section 2. Section 18.01.040 of the Langley Municipal Code is hereby amended to add the following definitions, to read as follows:

LMC 18.01.040 - Definitions

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

"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.

"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.

"Restaurant" means an establishment with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public.

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

"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.

**Section 3.** Section 18.16.020 of the Langley Municipal Code is hereby amended to read as follows:

**LMC 18.16.020 Secondary uses.**

Secondary uses in the CB zone are:
A. Dwelling units in principal buildings, provided that commercial uses shall occupy the first and/or street level of the building;
B. Consumer goods repair,
C. On-site hazardous waste treatment and storage facilities, provided that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210, or its successor.
D. In-home family day care.
E. Adult Family Home.
F. Wireless Communication Antenna Arrays.
G. Lounges.

Section 4. Section 18.18.020 of the Langley Municipal Code is hereby amended created to read as follows:

LMC 18.18.020 Secondary uses.

Secondary uses in the NB zone are:
A. Accessory uses and structures;
B. Home occupations;
C. Foster homes;
D. Home day care;
E. Guest Houses. Guesthouses are added as a secondary use under this subsection but only if the principal use of the subject property under this section is a single-family dwelling;
F. In-home family day care;
G. Adult Family Home;
H. Wireless Communication Antenna Arrays.
I. Lounges.


Section 6. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ___ day of _____________________, 2013.

________________________
Larry Kwarsick, Mayor