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

2. APPROVAL OF AGENDA

3. CONSENT AGENDA (See below)
   a. Approval of council meeting minutes of 2-6-17.....................................................1-4
   b. Approval of claims warrants Nos. _ in the amount of $37,732.19 and EFT’s in the amount of
      $101.40, manual Warrant in the amount of $500. for a total of $38,333.59.................5-12
   c. Approval of payroll warrants Nos. 35500-35519 (1/13/17) in the amount of $38,678.43 and
      Nos. 35555-35579 (1/31/17) in the amount of $76,854.24.......................................13-14

4. RECOGNITION/APPRECIATION

5. COMMISSION AND BOARD REPORTS
   Langley Library report

6. CITIZEN COMMENTS *

7. PUBLIC HEARING - Ordinance Amending LMC Chapter 15.24 re Flood Damage Prevention,
   Floodplain, Drainage and Erosion..................................................................................15-16

8. UNFINISHED BUSINESS
   a. Resolution No. 786 Inclusivity & Statement of Principles and Values – 1st read.......17-18
   b. Draft Resolution declaring Langley a Sanctuary City – 1st read .........................19-20

9. STAFF REPORTS
   b. Public Works
   c. Police
   d. Finance

10. MAYOR’S REPORT

11. NEW BUSINESS
   a. Adoption of Floodplain Ordinance No. 1034.......................................................23-39
   b. Langley Arts Commission (LAC) Bylaws amendments....................................40-46

12. COUNCIL REPORTS

13. DISCUSSION ITEMS

14. ADJOURNMENT

*Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please
state your name and address so this can be recorded, and limit your comments to 5 minutes. Questions will be
answered immediately if the answer is brief, and the information is available. Otherwise, answers will be provided
as soon as possible. Thank you for participating! If reasonable accommodation of a disability is needed please
contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.
Langley City Council Meeting Minutes
February 6, 2017

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

MOTION: To delay any vote on Sanctuary City until a full council is present and move the discussion earlier in the agenda. Motion – Shoudy, 2nd – Allen. Motion carried.

MOTION: To limit the discussion on Sanctuary City to one hour and give priority to City residents and discuss the issue again at the next meeting. Motion – Allen, 2nd – Shoudy. Motion passed.

MOTION: To approve the agenda as amended. The LED Streetlight discussion was removed as the PSE representative was unable to attend because of snow and the Library report was postponed to next meeting. Motion - Allen, 2nd - Neff. Motion carried.

MOTION: To approve the consent agenda. Motion - Allen, 2nd - Neff. Motion was approved.

CONSENT AGENDA

Approval of council meeting minutes of 1/17/17.
Approval of claims warrants Nos. 35580-35617 and EFTs 1/10, 1/11, 1/24 & 1/26 in the amount of $142,888.01.
Confirmation of the Mayor’s appointment of Bob French to the Ethics Training & Advisory Board.

CITIZEN COMMENTS

Sharon Emerson complained about the audio files of council meetings not being posted on the City’s website. She was given a copy of the recording on a thumb drive, but feels it is not transparent government and unfair to the public if the recordings are not posted. Debbie Mahler explained that the audio from the recent meetings have been too large to post to the website. When the city tried to post it, the old recordings disappeared and have to be restored to the website one at a time. The larger meetings just will not post.

The City has no IT staff to perform this service and we have made copies available by other means if requested. Paul Stokey stated that he attended a January 26th meeting about city plan to install sidewalks on 1st Street. He lives on First Street and is not happy about the sidewalk. Councilwomen Neff will report on the sidewalk issue later in the meeting. Guy Burneko stated he attended a gathering at the elementary school about walking trails, and asked if the city has a plan for ongoing discussions of walking trails. He was informed that the City has a city board that works on trails and a whole section of the Comp Plan on trails. The Parks and Open Space Board has a budget for working on trails this year.

Council Meeting Minutes 2-6-17
MAYOR'S REPORT

Mayor Callison reported that on the 18th of January, he attended the Whidbey Arts Forum at WICA and later a Narcan information meeting. It was a very educational and well run meeting. He stated that it is not risky to administer Narcan to someone who you feel may be experiencing an overdose. It is worth having around; it saves lives immediately. He reiterated that if someone is unconscious with a suspected overdose, to start CPR right away, and not wait for EMS and to administer Narcan if you have it. On the 20th he had a discussion on how to execute the South Whidbey Economic Development grant that we have been awarded with the Port and then he attended the Old Goats luncheon at the Holmes Harbor Rod & Gun Club the same day. Mayor Callison also attended the Council of Governments, Island Regional Transportation Planning Organization and Law and Justice meetings in Coupeville. There was a community meeting on the 26th regarding the First Street sidewalk. Langley made the 5th Happiest Coastal City in the US in the Coastal Living Magazine contest. This was announced on the 27th and the Mayor did the ribbon cutting that day for Whidbey Tel’s Big Gig Office in Langley. This is the first time Whidbey Tel has had an office in Langley in 47 years.

UNFINISHED BUSINESS

Sanctuary City discussion – Ed Anderson stated that the resolution proposed is word for word what is already codified in city law. He asked what the point of the resolution is. He does not feel it is a useful. Beth Small wants the City to provide legal sanctuary not just pass a resolution. Linda Reegan encourage everyone to come to a community meeting on 9th that has been set up by “Sanctuary Langley”. She is also in favor of an ordinance. She wants to know what our police will do if asked by the feds for info or to round up immigrants. Fran Abel asked the city not to gather immigration status and not to hold people. She asked Chief Marks when, not if, immigration asks for info, what will he do. She wanted to know how we can protect our friends and neighbors. Mayor Callison responded that the City has no resources to provide. The City does not ask for immigration status, does not have that information and we don’t have a jail to hold people. Guy Burneko and Monica Guzman urged the city to vote yes on sanctuary city. They feel it is the right thing to do. Marilyn __ stated she is against sanctuary city status. She stated the city can’t house the people we have let alone more people. She doesn’t want criminals here. Fran Johnson said she was born and raised here. She feels this issue has escalated to a high degree. The City does not have the money to provide sanctuary, and she is against doing this. She suggested people instead volunteer to do something for the needy.

Emily Licastro also grew up in Langley, and has been a part of this effort for sanctuary city. She feels we must look at our most vulnerable people — people here who are undocumented or look like they could be, and they need to be protected. They are fearful and feel at risk. Robin Black asked if we become a sanctuary city, we don’t have a jail, don’t hold people here; are we not at risk if we declare this? She feels it is starting a problem where there is none currently. Nancy Rowan thinks we have an inclusive city already and the question does not pertain to Langley; it should be on a county or island wide basis. She feels it is an emotional, political discussion, and it should be going to the county commissioners; Langley doesn’t have a jail, the county does.

Sumer Eberheart is in favor of an ordinance. She knows people who do not feel safe and have a sense of uncertainty. She works with youth and different races and thinks it is easy to not know that racism exists if you are white appearing. She stated that those people need to know they won’t be discriminated against. John Graham pleaded for the Council to look at the probability of a negative outcome, look at risk and probability, which he feels is low and the City should take the risks and be an example. Terry Minton of Clinton, worked 21 years in law enforcement in Los Angeles. He never, ever, asked people for

Council Meeting Minutes 2-6-17
immigration status, only criminals were arrested. Jesse, a small business owner, encouraged council to make a statement for humanity. He knows what it is like to be profiled, and sees racism here every day. Diane from Coupeville stated that this movement for sanctuary is happening all over the country, other small towns and cities have information on sanctuary cities. She said that ICE officials in Portland are in court asking anyone who plead guilty to a crime for their citizenship or immigration status. Jill Flood mentioned the case of Kate Steinle murdered by an illegal immigrant who had been deported 6 times. This happened in San Francisco, a sanctuary city. ICE asked for information and was not given it. Mayor Callison stated that Langley is a code city and has very few regulations on personal behavior. Any ordinance that is passed must to be one that we are able to follow, must be clear, enforceable.

NEW BUSINESS

Discussion of Planning Advisory Board request to draft an ordinance to establish a tiny home community. PAB had a presentation on how we can allow tiny home neighborhoods to help with the affordable housing problem. A model was presented to develop a non-profit that would obtain a lot and put 10-12 tiny homes on the lot that would each be provided by different faith entities and would be rented out to workers. The idea is that parking would be onsite, a community building and at least 8 tiny homes (up to 250 square feet).

MOTION: To direct Brigid to develop a draft ordinance, on tiny home communities with sewer and the homes attached to the land. Motion – Emerson, 2nd – Neff. Motion carried.

COUNCIL REPORTS

Rene Neff reported that she went to the Arts forum, where they discussed the importance of art to our community, and other great ideas. She stated that additional sidewalks and more walkability have been in comp plan for years. The City received a petition from a group of parents with young children asking for safe sidewalks to get downtown by foot. The City has been awarded a grant to do so. At the meeting on the 26th of January, the city presented what we were planning and a few property owners in the area where the sidewalk is to go were not in support. The area is not on private property. It is in city right-of-way, and would complete the walkway from upper Langley to the downtown core. She asked that the Public Works Director work with the families who are upset about the sidewalk to work out issues.

Bruce Allen reported that the HUB had a very successful fundraising weekend. They raised $5,000 from the Poetry reading, $2,379 from the salmon dinner and a donation for $3,000. This will make it able to continue the whole year. He is very grateful for all that people have done. Bruce also attended the Island Transit Board meeting last week. They are looking at partial Saturday service again. State gave them a grant for intercounty service and required a fee for ridership; it is not doing so well. Robin Black of the Chamber reported that Mystery Weekend is the last weekend of February. It will be on Seattle Refined TV show and they will film Mystery Weekend live, lots of publicity. The City earned #5 for Happiest Seaside Village in the Country from Coastal Magazine! The Victoria Clipper ship is bringing in 10 visits of 200 people each. Dominique Emerson reported the PAB is working on revamping housing ordinances for the City. Lots of discussion on ADUs and parking requirements, zoning for duplexes and triplexes in all residential zones.

Meeting adjourned at 7:18 PM.

Respectfully submitted,

Council Meeting Minutes 2-6-17
Debbie L. Mahler, Director of Finance/Clerk

Council Meeting Minutes 2-6-17
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**Register**

State Treasurer:

Shandy, Mason O.

Reynolds, Bridg M.

Perry, Fried M.

Maks, David L.

Marriner, Debbie L.

Lock, Kaye D.

Leight, Cherie E.

Lever, J., Danni L.

Krygstrum, Cheryl L.

Heretro, Roger

Hawtes, Ryan L.

Groves, Timothy L.

Dunn, Robert J.

Caldwell, Timothy J.

Bryant, Susan K.

Bedlam, D. Blake
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Staff Report

To: Mayor and Council

From: Director of Community Planning

Date: February 13, 2017

Re: An Ordinance of the City Council of the City Of Langley, Washington, Amending The City's Development Regulations As Set Forth In Title 15 Of The Langley Municipal Code By Amending Chapter 15.24 Relating To Flood Damage Prevention; Floodplain, Drainage And Erosion

Findings of Facts

1. The City of Langley adopted Chapter 15.24 Flood Hazard Areas in 2006 to promote the public health, safety, and general welfare, reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas.

2. Properties located along the marine shoreline within the City of Langley's corporate boundaries are subject to periodic flooding with the potential to cause damage to property.

3. The Federal Emergency Management Agency (FEMA) designates these areas as Flood Hazards Areas, maps their locations, establishes related flood elevations and has authorized the National Flood Insurance Program (NFIP) for impacted property owners.

4. On March 12, 2015 Preliminary Flood Insurance Rate Maps and the Preliminary Flood Insurance Study was prepared and provided to the city of Langley and the proposed flood hazard determinations were published in the Whidbey Classified and Federal Register and an open house was held.

5. During the 90-day appeal period appeals were made resulting in letters of map amendment being made by FEMA for two properties.

6. The FEMA has issued a revised Flood Insurance Rate Study for Island County, Washington and Incorporated Areas, and revised Flood Insurance Rate Maps for areas within the City's corporate boundaries, all with the revision date of March 7, 2017.
7. The Endangered Species Act (ESA) requires that listed species and their critical habitat must be protected and in 2008 the National Marine Fisheries Service (NMFS) issued a Biological Opinion that provides guidance to protect listed species and their critical habitat as part of any development approval in the floodplain.

8. The amendments to Chapter 15.24 are consistent with National Flood Insurance Program (NFIP) regulation (44 CFR 59 and 60.3) and the NMFS Biological Opinion.

Conclusions of Law

1. The City is required to adopt an ordinance that meets or exceeds the minimum National Flood Insurance Program requirements by March 7, 2017 to remain eligible for participation in the National Flood Insurance Program.

2. The city was granted expedited review from the Washington State Department of Commerce on February 10, 2017 in satisfaction of the review requirements of the Growth Management Act.

3. Pursuant to WAC 197-11-340 a SEPA determination of non-significance was issued on January 25, 2017 with a 14-day comment period established. No comments were received.

4. Amendments to Chapter 15.24 Flood Hazard Areas are consistent with the Langley Comprehensive Plan and in the interest of the public health, safety and welfare of Langley residents and property owners.

Recommendation

Staff recommends a public hearing be held on the proposed amendments to Chapter 15.24, that 1st reading be waived and that the amendment be approved.

Respectfully submitted

[Signature]

Brigid Reynolds MCIP, MCP, RPP
Director of Community Planning
City of Langley Washington

Resolution No. 786

A Resolution of Inclusivity and statement of principles and values

WHEREAS, we are agents of the collective will in whom the residents of the City of Langley, Washington have put its trust and confidence. And, as public officials, employees, consultants and volunteers who are entrusted with and responsible for the property, resources and reputation of the City, be it

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Langley, that we are obligated to make decisions and implement policies free of coercive or other improper influences; and be it

FURTHER RESOLVED, we are advocates for our constituents and recognize the diverse lives and livelihoods that reside together in our village, and be it

FURTHER RESOLVED, we are committed to generating a place of inclusivity for diverse sexual, economic, ethnic, immigration, and religious expressions of self and family. We refuse the mental habit of casting difference in negative value, and be it

FURTHER RESOLVED, we speak generously of and build trust between City officials and staff, whether volunteers or employees, and every citizen in our community, and be it

FURTHER RESOLVED, we use our positions in the best interests of the City rather than for personal interests, whether they be our own interests or those of our family, friends, or business associates, and be it

FURTHER RESOLVED, we do not treat any citizen preferentially. To perpetuate public trust we avoid even the appearance of impropriety, and be it

FURTHER RESOLVED, we acknowledge our obligation to the city of Langley’s five core values of Stewardship, Transparency, Fairness, Diligence and Integrity, which structure ethical practice and interaction between City officials, employees, consultant, volunteers and the Langley residents they represent, and be it

FURTHER RESOLVED, as stewards of our shared commons, we honor the history, culture and future of the citizens who call our community home. We yield our own private interests to act wholeheartedly on behalf of the greater civic environment, and be it (Stewardship)

FURTHER RESOLVED, in pursuit of transparency we adhere to clear, accurate, honest and open communication principles. All opinions, views and responses are treated with a level of sensitivity that assures both openness and a responsible level of confidentiality,
and be it (Transparency)

FURTHER RESOLVED, all individuals and ideas are welcome and treated equitably and without prejudice. We strive to achieve a fair distribution of benefits, resources and burdens to all those that we represent, and be it (Fairness)

FURTHER RESOLVED, as public servants, we employ the best skills and care in serving the citizens of our community. It is our duty to leave no stone unturned in the pursuit of actions and decisions that will produce the most desirable results for all, and be it (Diligence)

FURTHER RESOLVED, our daily actions are based on a solid habit of honesty. We perform our duties in an open and responsible manner. To do otherwise would be a dereliction of our duty and a breach of trust. (Integrity), and be it

FINALLY RESOLVED, we have existed as one of Washington State's great cities for more than 100 years and we will continue to move forward together in the best interests of all.

PASSED by the City Council of the City of Langley, Washington, at a regularly scheduled meeting held this ___ day of February, 2017.

Tim Callison, Mayor

ATTEST:

Debbie L. Mahler, Director of Finance/Clerk
Draft Resolution Declaring the City of Langley as a Sanctuary City

A Resolution to declare the City of Langley as a Sanctuary City with respect to immigrants and refugees and peoples of all religions, race and ethnic background, gender and sexual preference.

WHEREAS, we are agents of the collective will in whom the residents of the City of Langley, Washington have put its trust and confidence. And, as public officials, employees, consultants and volunteers who are entrusted with and responsible for the property, resources and reputation of the City, be it

NOW THEREFORE, RESOLVED by the City Council of Langley that we are obligated to make decisions and implement policies free of coercive or improper influences, and be it

FURTHER RESOLVED THAT Langley serves as the only town on So. Whidbey with an official government, and people of So. Whidbey identify with Langley as their City, we understand Langley has in the past and will continue to serve not only Langley residents but also visitors and others in our region;

WHEREAS, The City of Langley is committed to protecting the rights of all persons in the community regardless of immigration status;

WHEREAS, The City of Langley is committed to fostering and ensuring equity, social justice and freedom from persecution for all of its residents;

WHEREAS, Immigrants and refugees of many nations and of many religious persuasions have contributed to the well-being, and economic life of the City as friends, neighbors and business owners;

WHEREAS, undocumented persons work and contribute to the community in many ways and therefore are entitled to access local government services, including but not limited to protection by police and firefighters and are entitled to access all city facilities including parks and the library;

WHEREAS, immigrants and refugees may fear for their family and friends living abroad and their ability to provide them assistance;

WHEREAS, every City resident and visitor should be treated with compassion and respect regardless of national origin, citizenship status, faith, gender or sexual preference;

WHEREAS, under the national constitution, the immigration power to exclude and deport is reserved exclusively to the federal government. Immigrants are more willing to cooperate with police and report crimes if there is trust in their local government, which
makes our community as a whole safer;

WHEREAS, we commend our residents and visitors to practice civil discourse and abstain from offensive speech or behavior and learn to diffuse scenes of citizen upon citizen harassment in a non-violent manner;

THE CITY RESOLVES that the City of Langley as a Sanctuary City, embraces and welcomes immigrant and refugee residents and visitors and their contributions to the collective prosperity and cherishes the diversity of all of its residents and visitors;

BE IT FURTHER RESOLVED that the use of City funds or paid time, personnel or equipment for the enforcement of federal immigration law should be prohibited;

BE IT FURTHER RESOLVED that the provision of services or benefits by the City shall not be conditioned upon a person’s federal immigration status, except as required by City or State law;

BE IT FURTHER RESOLVED that the City of Langley will stand by its residents and visitors and support their freedom of religion irrespective of mandates for information which may be promulgated by the Federal government;

BE IT FURTHER RESOLVED that we are committed to generating a place of inclusivity and hospitality for diverse sexual, economic, ethnic, immigrant, and religious expressions of self and family;

BE IT FURTHER RESOLVED that we do not treat any citizen or visitor preferentially. To perpetuate public trust, we avoid even the appearance of profiling by color, language or class;

BE IT FURTHER RESOLVED THAT all individuals and ideas are welcome and treated equitably, respectfully and without prejudice;

FINALLY RESOLVED, Langley has existed as one of Washington’s great cities for more than 100 years and will continue to move forward together in the best interests of all;

PASSED by the City Council of the City of Langley, Washington, at a regularly scheduled meeting held this --- day of February, 2017.

Tim Callison, Mayor

ATTEST:

Debbie L. Mahler, Director of Finance/Clerk
MEMO

Date: February 10, 2017

To: Mayor and Council
From: Brigid Reynolds, Director of Community Planning

RE: 2016 Planning Department Report

The following is a brief summary of the main activities of the Planning Department for 2016. I started in the position at the end of March and Kelsey Loch was hired as the student intern in May. John Olsen, Building Official, started in February.

Comprehensive Plan
Council review of Comp Plan – 16 workshops.

Join the AWC GIS consortium. We had a Geographic Information System (GIS) mapping needs assessment completed. The consultant is now preparing Comp Plan maps.

Committee meetings
Arts Commission
PAB - Housing
DRB – 9 signs, 1 ADU, 2 improvements
Seawall Park – Ad Hoc Committee established

Island County Housing Advisory Committee – quarterly meetings

Community meetings
Arts and Economic Development – June 23rd
Housing Forum, Ely Spevak – October 19th
First Street Complete Street grant – September 21st
Tourist Accommodation - November 17th

Applications
Two - administrative approvals (includes one ongoing enforcement)
Two - boundary line adjustments
Two - lot combinations
Two - critical area permits
Eight - shoreline related permits
Eight - tree removal permits
Five - Island County referrals

Training
PAW conference – April 20-22
FEMA ESA Puget Sound Workshop – October 13th

Building Permit Statistics
Total of 78 permits
Total value of building permit activity reported to Island County Assessor\(^1\) - $6,476,420
Value of residential construction - $4,628,850

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<td>2 (4 dwelling units)</td>
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<td>Misc. Improvement</td>
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<td>• Deck, roofing, signs, etc</td>
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<td>Total valuation of all building permit activity reported to Island County Assessor*</td>
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Respectfully submitted,

[Signature]

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\(^1\) Building permit activity reported to the Island County Assessor includes permits for construction and improvements. This does not include permits values for plumbing, heating and mechanical systems.
City of Langley
Langley, Washington

Ordinance No. XXX

An Ordinance Of The City Council Of The City Of Langley, Washington, Amending The City’s Development Regulations As Set Forth In Title 15 Of The Langley Municipal Code By Amending Chapter 15.24 Relating To Flood Damage Prevention; Floodplain, Drainage And Erosion

WHEREAS, the City of Langley has the authority to regulate the development of property within the City; and

WHEREAS, the City of Langley has adopted floodplain regulations to promote the public health, safety, and general welfare, reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas; and

WHEREAS, certain areas within the City of Langley’s corporate boundaries are subject to periodic flooding with the potential to cause damage to property; and

WHEREAS, such areas are designated Special Flood Hazards Areas (SPHA) and mapped by the Federal Emergency Management Agency (FEMA); and

WHEREAS, financial relief from property loss in the form of federally-subsidized flood insurance is available to property owners as authorized by the National Flood Insurance Program (NFIP); and

WHEREAS, adopting, implementing and enforcing regulations to prevent or minimize property damage caused by floods is mandatory for participation in the National Flood Insurance Program; and

WHEREAS, areas designated as SPHA may also be critical habitat for endangered species in the Puget Sound region; and

WHEREAS, the Endangered Species Act (ESA) requires that listed species and their critical habitat must be protected; and

WHEREAS, in 2008 the National Marine Fisheries Service (NMFS) issued a Biological Opinion that provides guidance to protect listed species and their critical habitat as part of any development approval in the floodplain; and

WHEREAS, FEMA has issued a revised Flood Insurance Rate Study for Island County, Washington and Incorporated Areas, and revised Flood Insurance Rate Maps for areas within the City’s corporate boundaries, all with the revision date of March 7, 2017; and

WHEREAS, the City is required to adopt an ordinance that meets ordinance that meets or exceeds the minimum National Flood Insurance Program requirements by March 7, 2017, to remain eligible for participation in the National Flood Insurance Program; and
WHEREAS, pursuant to RCW 36.70A.106, the was granted expedited review from the Washington State Department of Commerce on January 31, 2017 in satisfaction of the review requirements of the Growth Management Act; and

WHEREAS, the Director of Community Planning, acting as the City’s Responsible Official under the State Environmental Policy Act (SEPA), reviewed the proposed legislation and, on January 25, 2017, issued a determination of non-significance within a 15-day comment period; and

WHEREAS, on February 21, 2017 a public hearing on the proposed amendments was held before the City Council and all persons wishing to be heard were heard; and

WHEREAS, following the close of the public hearing, the City Council reviewed the recommendations of staff, public comments, and other documents and information in the public record relevant to the proposal; and

WHEREAS, the City Council finds that the amendments to the Flood Hazard Prevention regulations in Chapter 15.24 Langley Municipal Code are consistent with the Comprehensive Plan and in the interest of the public health, safety and welfare of Langley residents and property owners;

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

Section 1. Chapter 15.24 LMC entitled “Flood Hazard Areas” is amended as follows:

Chapter 15.24 - FLOOD HAZARD AREAS

Sections:
15.24.010 Statement of purpose.
15.24.020 Methods of reducing flood losses.
15.24.030 Definitions.
15.24.040 General provisions.
15.24.050 Development permit required (44 CFR Part 60.3(b)(1)).
15.24.060 Application for development permit.
15.24.070 Designation of the local administrator (44 CFR Part 59.22(b)(1)).
15.24.080 Duties and responsibilities of the local administrator.
15.24.090 Conditions for variances.
15.24.100 Provisions for flood hazard reduction.
15.24.110 Specific standards (44 CFR Part 60.3(c)(1)).
15.24.111 AE and A1-30 Zones With Base Flood Elevations But No Floodways (44 CFR 60.3(c)(10))
15.24.112 Floodways 44 CFR 60.3(d), WAC 173-158-070

15.24.112 Critical Facility

15.24.113 Coastal High Hazard Areas 44 CFR 60.3

15.24.010 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard;

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 880, 2006)

I. Qualify the city of Langley for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance.

J. Maintain the quality of water in streams, and marine areas and their floodplains so as to protect public water supplies, areas of Public Trust, and wildlife habitat protected by the Endangered Species Act.

K. Retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species.

L. Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.

Commented [CP1]: Clauses I, K and L are added as per ESA model ordinance to protect species and their habitat.
15.24.020 Methods of reducing flood losses.
In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 880, 2006)

15.24.030 Definitions.
“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

Area of Shallow Flooding. Designated as AO or AH zone on the flood insurance rate map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

“Area of Special Flood Hazard” or Special Flood Hazard Area (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “100-year flood”). Designated on flood insurance rate map by the letter A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
“Coastal high hazard area” means an area of Special Flood Hazard (SFHA) extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to damages caused by wave action and/or high velocity water during the 1 percent annual chance flood wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V. 

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, subdivision of land, removal of more than five percent of native vegetation, or alteration of natural site characteristics, located within the area of special flood hazard.

“Elevated building” means, for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Elevation certificate” means the official form (FEMA Form 84–34 085-0-33) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found at Sections 15.24.110(A) and (B) (i.e., provided there are adequate flood ventilation openings).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this chapter.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational vehicle” means a vehicle:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers,
or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

1. Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

15.24.040 General provisions.
A. Lands to Which This Chapter Applies (44 CFR Part 59.22(a)). This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Langley.

B. Basis for Establishing the Areas of Special Flood Hazard (44 CFR Part 60.3(e)(1)(d)(2)). The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study for Island County, Washington, and Incorporated Areas," dated March 7, 2017, February 2, 2007, and any revisions thereto, with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at City Hall, Langley, Washington. The best available information for flood hazard area identification as outlined in Section 15.24.080(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 15.24.080(B).

C. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Langley, any officer, employee or agent thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Amended during 2013 reformat; Ord. 880, 2006)

15.24.050 Development permit required (44 CFR Part 60.3(b)(1)).
A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.24.040(B). The permit shall be for all structures including manufactured homes, as set forth in Section 15.24.030, Definitions, and for all development including fill and other activities, also as set forth in Section 15.24.030. (Ord. 880, 2006)

15.24.060 Application for development permit.
In addition to the standard information required with a permit application (Chapter 18.36 Administration) the following information is also required for any permit proposing development within a floodway or floodplain:

Application for a development permit shall be made on forms furnished by the city of Langley and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official.
B. Elevation in relation to mean sea level to which any structure has been flood-proofed.

C. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet flood-proofing criteria in Section 15.24.110(C).

D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 880, 2006)

E. A habitat assessment that demonstrates that the proposed project will not cause any adverse effects to ESA-listed species, nor cause any adverse modification to designated critical habitat. 44 CFR 60.3(a)(2)

15.24.061 Conformance with Chapter 16 (Environmental Policy)

Wherever this section allows uses within a floodplain, that use must also be consistent with Chapter 16 (Environmentally Policy, Including Shoreline Management) in terms of both allowable use and location of use. In any case, wherever the regulations in these two Chapters conflict, the more restrictive shall prevail. The explicit intent of this section is to not allow development that is inconsistent with Chapter 16 (Environmental Policy) to occur in the restricted areas or buffers required by that chapter, even though it may seem permissible according to the regulations of this chapter.

15.24.070 Designation of the local administrator (44 CFR Part 59.22(b)(1)).

The building official and/or planning official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 880, 2006)

15.24.080 Duties and responsibilities of the local administrator.

Duties of the local administrator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required (44 CFR Part 60.3(a)(2)).

B. Use of Other Base Flood Data (In A and V Zones) (44 CFR Part 60.3(b)(4)). When base flood elevation data has not been provided (in A or V zones) in accordance with Section 15.24.040(B), Basis for Establishing the Areas of Special Flood Hazard, the local administrator shall obtain, review, and reasonably utilize any base
flood elevation and floodway data available from a federal, state or other source, in order to administer

Section 15.24.110, Specific standards –

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (B) of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement (44 CFR Part 60.3(b)(5)(i)). Record the elevation on a current elevation certificate with Section B of the certificate completed by the local official.

2. For all new or substantially improved flood-proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section:
   
   a. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood-proofed (44 CFR Part 60.3(b)(5)(ii)).
   
   b. Maintain the flood-proofing certifications required in Section 15.24.060(C) (44 CFR Part 60.3(b)(5)(iii)).

3. Maintain for public inspection all records pertaining to the provisions of this chapter. (44 CFR Part 60.3(b)(5)(iii)).

D. Alteration of Watercourses (44 CFR Part 60.3(b)(6)).

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR Part 59-76). (Amended during 2013 reformat; Ord. 880, 2006)

15.24.090 Conditions for variances.
A. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. The submission, review and approval of a Habitat Assessment;

3. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

4. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

D. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

E. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (B) of this section, and otherwise complies with Sections 15.24.100(A), (C), and (D).

F. Any applicant to whom a variance is granted shall be given written notice that the permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk. (Ord. 880, 2006)

15.24.100 Provisions for flood hazard reduction.
General Standards. In all areas of special flood hazards, the following standards are required:

A. Anchoring (44 CFR Part 60.3(a)(3)(i) (b))
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure (44 CFR Part 60.3(a)(3)(i)).

2. All manufactured homes shall be placed on and anchored to a permanent foundation in a manner that prevents flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (44 CFR Part 60.3(b)(8)).

B. Construction Materials and Methods (44 CFR Part 60.3(a)(3)(ii-iv)).

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods, materials, and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Locating such equipment below the base flood elevation may cause annual flood insurance premiums to be increased.

C. Utilities (44 CFR Part 60.3(a)(5) and (6)).

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

2. Water wells shall be located on high ground that is not in the floodway;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

4. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals (44 CFR Part 60.3(a)(4)(b)(3), (4)(ii)(iii), (b)(3)).

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

E. Review of Building Permits (44 CFR Part 60.3(c)(3)): Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source (Section 15.24.080(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates. (Amended during 2013 reformat; Ord. 880, 2006)

15.24.110 Specific standards (44 CFR Part 60.3(c)(1)).
In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.24.040(B), Basis for Establishing the Areas of Special Flood Hazard, or Section 15.24.080(B), Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction (44 CFR Part 60.3(c)(2)(5)): New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE).

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

C. Nonresidential Construction (44 CFR Part 60.3(c)(3)(4)(5)): New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including
basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.24.060(C);

4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in subsections (A) and (B) of this section.

5. Applicants who are floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rate that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

D. Manufactured Homes (44 CFR Part 60.3(c)(6)(12)). All manufactured homes in the floodplain to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Amended during 2013 reformat; Ord. 880, 2006)

E. Recreational Vehicles (44 CFR Part 60.3(c)(14)(ii)). Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than 180 consecutive days, or
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devises, and have no permanently attached additions; or
3. Meet the requirements of 15.22.110(D) above and the elevation and anchoring requirements for manufactured homes.

15.24.111 AE AND A1-30 Zones With Base Flood Elevations But No Floodways (44 CFR 60.3(c)(10))

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 on the community's FIRMs, unless it is demonstrated, when combined with all other existing and anticipated
development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

15.24.112 Floodways. 44 CFR 60.3(d).  WAC 173-158-070

Located within areas of special flood hazard established in 15.24.040(6) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

3. If Section 15.24.112 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.24.100. Provisions for Flood Hazard Reduction.

15.24.112 Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

15.24.113 Coastal High Hazard Areas. 44 CFR 60.3

Located within areas of special flood hazard (SFHA) established in Section 15.24.040 B are Coastal High Hazard Areas, designated as Zones V1-30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all the provisions of this ordinance, the following provisions shall also apply:

1. All new construction and substantial improvements in Zones V1-30, VE and V on the community's FIRM shall be elevated on pilings and columns so that:
   a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and
   b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously.
on all building components. Wind and water loading values shall each have a one-percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 15.24.114 1(a)(b).

2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The Local Administrator shall maintain a record of such information.

3. All new construction within Zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.

4. Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls with exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:
   a. Breakaway walls are utilized, such enclosed space shall result form water load less than that which would occur during the base flood; and
   b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structure damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent change of being equaled or exceeded in any given year (100-year mean recurrence interval).

5. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM.

6. Prohibit man-made alterations of sand dunes within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

7. All manufactured homes to be placed or substantially improved within Zones V1-30, VE, and V on the community's FIRM:
   a. Outside of a manufactured home park or subdivisions;
   b. In a new manufactured home park or subdivision;
   c. In an expansion to an existing manufactured home park or subdivision, or
   d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;
   shall meet the standards of paragraphs 15.24.114 1 through 6 of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, VE, and V on the FIRM shall meet the requirements of Section 15.24.110 D.

8. Recreational vehicles placed on sites within Zones V1-30, VE, and V on the community's FIRM either:
a. Be on the site for fewer than 180 consecutive days, or
b. Be fully licensed and ready for highway use, on its wheels, or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
c. Meet the requirements of Section 15.24.060 (development permit required) and paragraphs 15.24.144 1 through 6 of this section.

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.


CITY OF LANGLEY

_________________________
Tim Callison, Mayor

APPROVED AS TO FORM

_________________________
Michael R. Kenyon, City Attorney

ATTEST

_________________________
Debbie L. Mahler, City Clerk

Published:___________________
Staff Report

To: Mayor and Council  
From: Brigid Reynolds, Director of Community Planning  
Date: February 15, 2017  
Re: Langley Arts Commission (LAC) Bylaws – proposed minor amendment

Purpose
The purpose of the proposed amendment to the LAC bylaws is to clarify commissioners term limits.

Background
Langley City Council created the LAC by Ordinance no. 998 on February 18, 2014. At its January 5, 2015 regular meeting Council adopted the LAC bylaws by motion. The bylaws provide the commission with additional guidance for its functioning. The LAC has begun succession planning for new members and as part of this discussion the commission recognized the “Term Limits” part of the bylaws was not clear and is therefore recommended to be amended including the annual meeting date.

Discussion
The proposed amendment is for clarification only and is not substantive in nature. See the attached revised Bylaws of the Langley Arts Commission. The attached revised draft shows the existing language with strikethrough and the proposed revisions underlined. The revisions can be found on page 2, Article III: Organization. The LAC discussed the proposed amendment at its last two meetings and recommend the proposed revision.

Recommendation
Staff recommends approval of the proposed revised bylaws.

Respectfully submitted

Attachment
Approved by the Langley City Council on 5 January, 2015
Bylaws of
Langley Arts Commission
REVISED February 2017

ARTICLE I: Name
Under Ordinance Number 998, the City Council of the City of Langley, Washington, established the City of Langley Arts Commission on February, 18, 2014.

ARTICLE II: Purpose
The Langley Arts Commission advises the Mayor, City Council and City Staff regarding the city’s public arts program and implementation of the city’s one percent for the arts policy for capital projects. The commission shall advise the Mayor and City Council regarding the planning, design, solicitation and selection of artists and public art installations for the city. When requested by the Mayor or City Council the commission will also advise the city on any art related issue such as promoting the arts in Langley, partnerships between the city and other arts organizations, the facilitation and management of arts related events and arts education.

The Langley Arts Commission serves our community by:

Creating Place
The Arts enrich our community and contribute to a desirable quality of life, creating a successful, dynamic, attractive place to live, work and visit.

Driving Economics
The Arts create jobs and produce tax revenue, stimulate business activity, and attract tourism as well as families and individuals interested in living in an arts-rich community.

Providing Opportunity
The Arts engage citizens and provide opportunity. The Arts Council strives to
• Showcase local and regional artists and artistic talent
• Expand public awareness of arts-related opportunities and accessibility
• Offer a forum for involvement in the arts through public discussion and discourse

Building Legacy
The Arts preserve the unique culture and heritage of the community, and reflect who we are and what is important to our society. Arts and Culture are essential to education and life-long learning by fostering imagination, innovation and critical thinking skills.
ARTICLE III: Organization
The organization of the Langley Arts Commission shall comply with the Langley Municipal Code Chapter 2.34, “Uniform Policies for Citizen Boards and Commissions.”:

Number and Appointment:
The Langley Arts Commission shall consist of seven members appointed by the Mayor and confirmed by the City Council, with recommendation and approval by the Arts Commission members.

Membership qualifications:
The Langley Arts Commission membership should reflect a broad range of arts-related interests, including, but not limited to, visual arts, performance arts, literature and spoken arts, practicing artists, organizations that support and further the arts in Langley, and passionate community members at large.

Conflict of Interest:
If any member has a conflict of interest or an appearance of fairness issue with a matter before the board or commission, the member shall not participate in the deliberations and the decision-making process with respect to that matter. (Ord. 900, 2008).

Term limits
Members are appointed to a three-year term. No member may be appointed to more than two consecutive terms. A term shall commence at the date of the annual meeting held each October. If a member is appointed between annual meetings, his/her term for the purpose of this provision shall commence on the date of the annual meeting following the date of his/her appointment to the Arts Commission. If a member is appointed mid-term, that member will fulfill the remaining term limits of the vacated position. After serving one term and leaving the Arts Commission, or upon completing two full terms, no member may be appointed again for two years after their last term.

Terms shall overlap so that no more than three members shall complete a term in any given year. Establishment of over-lapping terms will be completed by August-September 2020:

- First Three-Year Term: August 2014-July September 2017
  o All current members will fulfill a three-year term.

- Second Three-Year Term: August 2017-July 2020 October 2017-September 2020
  o Members electing to remain on the Langley Arts Commission after their first term will be appointed to one of the following terms:
    - Three members will fulfill a three-year term, August 2017-July 2020 October 2017-September 2020
    - Two members will fulfill a two-year term, August 2017-July 2019 October 2017-September 2019
• Two members will fulfill a one-year term, August 2017–July 2018 October 2017–September 2018
  o Upon completion of the term, members will be considered to have completed two full terms and will not qualify for appointment for two years.

• For the following Three-Year Terms
  o August–October 2018: Two new members will be appointed for the term of August 2018–July 2021 October 2018–September 2021
  o August–October 2019: Two new members will be appointed for the term of August 2019–July 2022 October 2019–September 2022
  o August–October 2020: Three new members will be appointed for the term of August 2020–July 2023 October 2020–September 2023
  o Upon completion of the term, members will have the option for appointment for a second three-year term.

Vacancies
All vacancies in the membership of Arts Commissioners, whether by resignation, death or otherwise, may be filled by appointment by the Mayor and confirmed by the City Council, with recommendation and approval by the remaining Arts Commission members. The appointed member will fulfill the remaining term limits of the vacated position.

Removal of Members
A commissioner may be removed at any time, with or without cause, by a two-thirds vote of the Commissioners, whenever in its judgement the best interest of the Commission will be served thereby.

Attendance
Any member anticipating an absence from a meeting should notify the Chair in advance of that meeting. Any member of the Commission who has been absent from three consecutive regular or special meetings of the Commission without the approval of the Chairperson shall have tendered his or her resignation. He or she shall be notified in writing of the Commission’s recommendation to the Mayor and City Council to seek a replacement for that position and unexpired term.

Remuneration/Disbursement
No salary shall be paid to commissioners, as such, for their service. Reimbursements approved by the Mayor will be distributed through City process.

Officers
The officers of the Commission shall be a Chair; Co-chair; and Secretary.

• Chair and Co-Chair: The mayor shall appoint a chair and co-chair, with recommendations from the commissioners. The Chair shall preside at meetings of the Commission, and committees exercising any authority of the Commission. The Co-chair shall conduct Commission meetings and act as the Chair in the absence or disability of the Chair, and otherwise perform any duties
as assigned by the Commission. The Chair and Co-chair may be elected for more than one term, but no more than two one-year terms.

- **Secretary:** The Secretary shall be elected each year at the annual meeting. He/she shall keep records of the proceedings of the Commission; post required notifications of Arts Commission meetings; and executed all contracts and other obligations, as required by the City of Langley.

**Vacancies**
All vacancies in the Executive Committee, whether by resignation, death or otherwise, may be filled by appointment by the Mayor and confirmed by City Council, with recommendations by the remaining Arts Commission members. The appointed member will fulfill the remaining term limits of the vacated position.

**Removal**
Any officer elected or appointed may be removed by a two-thirds vote of the Commissioners, with approval of the Mayor and City Council, whenever in its judgment the best interest of the Commission will be served thereby.

**ARTICLE IV: Meetings**
The Langley Arts Commission meets once a month in the Langley City Hall meeting room, on a mutually-agreed upon date for management and purpose as vested in the commission. All meetings shall follow the Standard Code of Parliamentary Procedure and comply with the Langley Municipal Code, including:

2.34.110 Open Meetings
All meetings of boards and commissions are subject to the Open Public Meetings Act (Chapter 42.30 RCW) where a majority (a quorum) meets and discussed city business.

- All regular board and commission meetings and agenda, including date, time, and location, will be made available to the public by 4:30 p.m. Friday, the week before the meeting (Ord. 900, 2008)

2.34.120 Conduct
Rules and regulations for the conduct of boards and commissions include:

- Minutes are taken at all meetings
- A majority of the members shall constitute a quorum for the transaction of business, and a majority of those present shall be necessary to carry any motion. All members shall have one vote.
- The Commission may adopt such additional rules and regulations as are necessary for the conduct of its business, subject to the approval by the council. (Ord. 900, 2008)
Participation
• Meeting attendance and participation are allowed via teleconference. Arrangements to participate via telephone must be made in advance with notification to the commission secretary no later than five days prior to the scheduled meeting.
• Agenda item requests can be submitted to the Chair up to one week prior to the monthly meeting.

Dissent
• A commissioner who is present at a meeting at which action on a matter is taken shall be presumed to have assented to such action unless his/her dissent shall be entered in the minutes of the meeting, or unless he/she shall file his written dissent to such action with the secretary of the meeting, before the adjournment thereof, or shall forward such dissent by registered mail to the secretary immediately after the adjournment of the meeting. Such right to dissent shall not apply to a commissioner who voted in favor of such action.
• Agenda item requests can be submitted to the Chair up to one week prior to the monthly meeting.

Annual Meeting
The annual meeting of the commissioners shall occur in August, on a mutually-agreed upon date. The order of business shall include:
• Election of officers, and appointment of new and second-term member
• Review the annual Public Arts Program as submitted to the Mayor and City Council in April
• Discuss the next year’s Work Plan to be submitted to the Council in December.

Special Meetings
Special meetings of the Commission or any committee designated and appointed by the Commission may be called by or at the written request of the Chair or by quorum of the commissioners, or, in the case of a committee meeting, by the chair of the committee, to be held at any reasonable and suitable place the commissioners may from time to time direct. Meeting notification shall be consistent with the City of Langley code. The Mayor and/or the City Planning Department shall be notified of all special meetings.

ARTICLE V: Committees
The Commissioners, by resolution adopted by a majority may designate and appoint standing or ad hoc committees, each of which shall consist of one or more Commissioners and may include members at large. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the Commissioners, or any individual Commissioner of any responsibility imposed upon them. Committees may not act on behalf of the Commission nor bind it to any action, but may make recommendations to the Commission. Committee chairs may be appointed by the Chair of the Commission or by the members of the committee as its charter may permit, subject to confirmation.
by the Commissioners. Committees are required to submit a report to the monthly Commission meetings. The Commissioners shall inform the Mayor of any designated or appointed committee.


Financial
- Accounting procedures for all income, including public funds, grants, donations, or in-kind gifts shall refer to the Langley Municipal Code.

Administrative
- The central records of the Commission shall be kept in the City Planning Department, including: current articles and bylaws; correct and adequate records of accounts and finances; a record of officers’ and Commissioners’ names and addresses; minutes of the proceedings of the Commissioners, and any minutes which may be maintained by a committee of the Commissioners; in addition to the records of accounts and finances.
- Records are subject to public disclosure regulations.
- Recommendation to the Mayor for alteration, amendment, or repeal of the bylaws requires a quorum vote at any regular meeting of the Commissioners, providing notification of such proposed revision has been made to Commissioners ten or more days prior to the meeting.
- Information gathered in the course of doing business pertaining to names, addresses, and any other personal information shall not be used for any non-Commission related activities, nor disclosed to any other organization or entity, except under explicit Commission and individual permission, except as required by law.

ARTICLE VII: Miscellaneous

Dissolution
Dissolution of the Langley Arts Commission is subject to the Langley Municipal Code.

Indemnification
Commissioners acting in their capacity as a member of the Arts Commission are indemnified and held harmless under the City’s insurance policy and coverage.

Certification

Diane Divelbess, being Secretary of the Langley Arts Commission, hereby certifies that the foregoing bylaws were duly adopted by the commissioners on March 12, 2015.

Signed by Diane Divelbess

Secretary

And amendments made February 2017

Signed by Secretary