



Topic: City Council April 10, 2023 Meeting

You are invited to a Zoom webinar or in person meeting. Note: Due to the lifting of Covid safety restrictions on June 9th, 2022 the city is now required to provide a physical location for all meetings. A computer screen with a microphone and speaker will be set up in council chambers and at least one council member, staff member or the mayor will be present, but most council members and staff will not be present in person but will be participating via Zoom.

Topic: April 10, 2023 City Council Meeting of this month

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83273254975?pwd=aGJhcW1aVEpFc2lDVWpXOEU5cUJvdz09>

Passcode: 172825

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US: +12532158782,,83273254975#,,,,*172825# or +16699006833,,83273254975#,,,,*172825#

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Webinar ID: 832 7325 4975

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CITY OF LANGLEY DRAFT COUNCIL AGENDA

Monday April 10, 2023 @ 5:30 P.M. – 112nd Street Langley, WA

CALL TO ORDER – 5 minutes

1. **Opening Words**
2. **Roll Call**

CONSENT AGENDA (The CONSENT AGENDA consists of routine items that normally do not require further Council discussion.) – 2 minutes

1. Approval of Claim Warrants 43329 - 43348 and EFTs in the amount of \$115,746.43.4-11
2. Approval of Manual Warrants and EFTs in the amount of \$11,985.31 12
3. Approval of Payroll Direct Deposit Run (3/16/23) in the amount of \$34,063.5213
4. Approval of Payroll Claim Nos 43272,43273,43325,43326 & 43328 and Direct Deposit Run in the amount of \$62,321.24..... 14
5. Approval of Commission Meeting Minutes posted since previous Council Meeting
6. Approval of Whidbey Veterans Resource Center - BBQ with Amplified Music.....15-16
7. Approval of Whidbey Veterans Resource Center - 5K with Amplified Music 17-19
8. Approval of Liquor License for Salty Sea Coffee House 20

APPROVAL OF AGENDA – 3 minutes

APPROVAL OF MINUTES – 3 minutes

1. Approval of Council Meeting Minutes of 03/20/2023 21-26

PUBLIC COMMENT PERIOD* – 30 minutes

PRESENTATION/GUEST SPEAKER/COMMISSION REPORTS – 10 minutes

1. Presentation to Council from Climate Crisis Action Commission – Linda Irvine, Chair 10 minutes 27-32

MAYOR’S REPORT – 10 minutes

ORDINANCES/RESOLUTIONS

1. Consider for a first reading, proposed interim zoning amendments pursuant to RCW 36.70A.390 and RCW 35A.63.220; amending Chapter 18.01 LMC Introduction and Chapter 18.09 LMC Land Uses; defining and establishing zoning regulations for a new automobile detailing land use category; adopting supportive findings; providing for

severability; and establishing an effective date - 1st Reading – Meredith Penny,
Community Planning Director – 10 minutes 33-41

- 2 Consider for a first reading, proposed interim zoning amendments pursuant to RCW 36.70A.390 and RCW 35A.63.220; amending Chapter 18.01 LMC Introduction and amending and retitling Chapter 18.25 LMC Performance Standards—Multi-family; establishing performance standards for mixed-use development; adopting supportive findings; providing for severability; and establishing an effective date- 1st Reading - Meredith Penny, Community Planning Director – 10 minutes.....42-54

UNFINISHED BUSINESS

1. Follow up discussion on Holiday Recognition – Rhonda Salerno, Council Member – 10 minutes 55-57

DISCUSSION

1. Financial Director Staff Update – Wanda Grone, Financial Director – 5 minutes 58
2. Update on Public Safety Alert – Widespread Threat of Fentanyl mixed with Xylazine– Tavier Wasser, Chief Of Police – 5 minutes 59-61
3. Discussion about Civil Service Needs – Tavier Wasser, Chief of Police – 5 minutes
4. Kirkland City Council Rules of Ethics- Harolynne Bobis, Council Member – 5 min...62-73

COUNCIL REPORTS– 15 minutes

1. Council Member Harolynne Bobis – 3 minutes
2. Council Member Rhonda Salerno – 3 minutes
3. Council Member Thomas Gill – 3 minutes
4. Council Member Craig Cyr – 3 minutes
5. Council Member Gail Fleming – 3 minutes

ADJOURN

***Public Comment:** This is the time on the agenda where Council welcomes comments on subjects of concern or interest that are not on the agenda or to make known that a member of the public wishes to comment on a particular agenda item at the time the item is being discussed. We welcome your comments which are very important to us. Note that all comments are limited to three minutes and should be directed to the presiding officer. Please state your name, address and the subject of your comment. Please note that we will not be entering into dialogue at this time. The purpose of this agenda item is for you, the public, to inform us, the Council, about your views. If you have factual questions, staff will be happy to address them, either now or at a later date.

Thank you for participating! **If reasonable accommodation of a disability is needed, please contact Darlene Baldwin at (360) 221-4246 ext. 17 at least 48 hours prior to this meeting.**



Voucher Directory

Fiscal: : 2023 - April
 Council Date: : 2023 - April - 1st Council Meeting

Vendor	Number	Reference	Account Number	Description	Amount
Airgas USA LLC	0			2023 - April - 1st Council Meeting	
		Invoice 9995569914			
		Cylinder Rentals Feb 2023			
		402-000-000-535-10-30-01		Supplies	\$16.43
				Cylinder Rentals Feb 2023	
		Total Invoice 9995569914			\$16.43
	Total 0				\$16.43
Total Airgas USA LLC					\$16.43
AT&T Mobility FIRSTNET	0			2023 - April - 1st Council Meeting	
		Invoice 287291336274X03132023			
		Wireless svc Feb 6-Mar 5 2023			
		001-000-070-521-20-41-02		Telephone	\$258.66
				Wireless svc Feb 6-Mar 5 2023	
		Total Invoice 287291336274X03132023			\$258.66
	Total 0				\$258.66
Total AT&T Mobility FIRSTNET					\$258.66
CITY OF LANGLEY	0			2023 - April - 1st Council Meeting	
		Invoice Water March 10 2023			
		Langley City Properties Water & Irrigation			
		001-000-000-511-60-46-01		Utilities	\$71.80
				Langley City Properties Water & Irrigation	
		001-000-010-513-10-46-01		Utilities	\$24.12
				Langley City Properties Water & Irrigation	
		001-000-030-514-20-46-01		Utilities	\$149.12
				Langley City Properties Water & Irrigation	
		001-000-070-521-20-46-01		Utilities	\$81.19
				Langley City Properties Water & Irrigation	
		001-000-110-558-60-46-01		Utilities	\$25.57
				Langley City Properties Water & Irrigation	
		001-000-120-558-50-46-01		Utilities	\$25.45
				Langley City Properties Water & Irrigation	
		001-000-150-576-80-41-02		Utilities	\$445.90
				Langley City Properties Water & Irrigation	

Vendor	Number	Reference	Account Number	Description	Amount
			001-000-150-576-80-41-02	Utilities Langley City Properties Water & Irrigation	\$11.30
			001-000-180-518-80-46-01	Utilities Langley City Properties Water & Irrigation	\$5.96
			104-000-000-536-10-46-01	Utilities-Cemetery Langley City Properties Water & Irrigation	\$8.19
			104-000-000-536-10-46-01	Utilities-Cemetery Langley City Properties Water & Irrigation	\$178.24
			105-000-000-557-30-46-01	Utilities/VIC & R/R Langley City Properties Water & Irrigation	\$646.49
			402-000-000-535-10-46-01	Utilities-Sewer Dept. Langley City Properties Water & Irrigation	\$1,021.36
			402-000-000-535-10-46-01	Utilities-Sewer Dept. Langley City Properties Water & Irrigation	\$361.52
				Total Invoice Water March 10 2023	\$3,056.21
	Total 0				\$3,056.21
	Total CITY OF LANGLEY				\$3,056.21

Davido Consulting Group, Inc
0

2023 - April - 1st Council Meeting

Invoice 00456258

March 13th thru February 28 2023

306-000-000-594-34-60-01	Capital Grant Expenditures March 13th thru February 28 2023	\$78,417.07
405-000-000-594-34-60-06	CIP W-5 Edgecliff (Furman-Wilkinson) Main March 13th thru February 28 2023	\$8,538.85
408-000-000-594-34-60-03	RR-8 W71-W70 (Al Anderson Rd) LIP 14 March 13th thru February 28 2023	\$2,474.03

Total Invoice 00456258

\$89,429.95

Total 0

\$89,429.95

Total Davido Consulting Group, Inc

\$89,429.95

De Lage Landen Financial Services
0

2023 - April - 1st Council Meeting

Invoice 79417950

Copier monthly lease payment

001-000-010-513-10-40-01	Professional Services - ADMIN Shared Cost	\$29.48
001-000-030-514-20-40-02	Professional Services - ADMIN Shared Cost	\$135.63
001-000-070-521-20-40-01	Professional Services - ADMIN Shared Cost	\$129.73
001-000-100-518-30-40-01	Professional Services - ADMIN Shared Cost	\$17.69
001-000-110-558-60-40-00	Professional Services - ADMIN Shared Cost	\$35.38
001-000-120-558-50-40-00	Professional Services - ADMIN Shared Cost	\$29.48
001-000-150-576-80-40-00	Professional Services - ADMIN Shared Cost	\$11.79
001-000-180-518-80-40-01	Professional Services	\$5.90
101-000-000-543-10-40-01	Professional Services - ADMIN Shared Cost	\$41.28
104-000-000-536-10-40-00	Professional Services - ADMIN Shared Cost	\$5.90

Vendor	Number	Reference	Account Number	Description	Amount
			401-000-000-534-10-40-01	Professional Services - ADMIN Shared Cost	\$64.87
			402-000-000-535-10-40-01	Professional Services - ADMIN Shared Cost	\$64.87
			403-000-000-531-10-40-01	Professional Services - ADMIN Shared Cost	\$17.70
		Total Invoice 79417950			\$589.70
	Total 0				\$589.70
Total De Lage Landen Financial Services					\$589.70
Dept. of Ecology	0				
				2023 - April - 1st Council Meeting	
		Invoice 2023-BA0020702			
			Biosolids Annual Permit Fee		
			402-000-000-535-10-48-06	Composting/Yard Waste Program	\$1,181.51
				Biosolids Annual Permit Fee	
		Total Invoice 2023-BA0020702			\$1,181.51
	Total 0				\$1,181.51
Total Dept. of Ecology					\$1,181.51
Hanson's Bldg. Supply	0				
				2023 - April - 1st Council Meeting	
		Invoice 2303-204982			
			Lag Bolts, Galvanized		
			001-000-150-576-80-30-01	Supplies	\$36.99
				Lag Bolts, Galvanized	
		Total Invoice 2303-204982			\$36.99
		Invoice 2303-205823			
			Expansion Anchor Easy Set Park Bench		
			001-000-150-576-80-30-01	Supplies	\$2.00
				Expansion Anchor Easy Set Park Bench	
		Total Invoice 2303-205823			\$2.00
		Invoice 2303-206068			
			Lag Bolts, Galvanized		
			001-000-150-576-80-30-01	Supplies	\$36.99
				Lag Bolts, Galvanized	
		Total Invoice 2303-206068			\$36.99
	Total 0				\$75.98
Total Hanson's Bldg. Supply					\$75.98
Langley Main St Association	0				
				2023 - April - 1st Council Meeting	
		Invoice 2021-2123			
			Quarter 1 Langley Main Street Excise Grant		
			401-000-000-534-10-49-03	excise tax MainSt credit	\$3,750.00
				Quarter 1 Langley Main Street Excise Grant	
			402-000-000-535-10-49-03	excise tax MainSt credit	\$3,750.00
				Quarter 1 Langley Main Street Excise Grant	

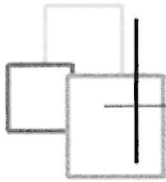
Vendor	Number	Reference	Account Number	Description	Amount
			403-000-000-531-10-49-03	excise tax MainSt credit	\$3,750.00
				Quarter 1 Langley Main Street Excise Grant	
		Total Invoice 2021-2123			\$11,250.00
	Total 0				\$11,250.00
Total Langley Main St Association					\$11,250.00
NAPA Auto Parts	0				
				2023 - April - 1st Council Meeting	
		Invoice 682234			
			Trico Force Blides		
			001-000-070-521-20-47-01	Vehicle Maintenance	\$48.94
				Trico Force Blides	
		Total Invoice 682234			\$48.94
	Total 0				\$48.94
Total NAPA Auto Parts					\$48.94
Pace, Jeremiah	0				
				2023 - April - 1st Council Meeting	
		Invoice Pace Jeremiah - Employee Reimbursement			
			Work Jeans - Employee Reimb Mar 13 23 Walmart		
			101-000-000-543-30-33-01	Uniforms	\$55.53
				Work Jeans - Employee Reimb 3.13.23 Walmart	
		Total Invoice Pace Jeremiah - Employee Reimbursement			\$55.53
	Total 0				\$55.53
Total Pace, Jeremiah					\$55.53
Puget Sound Energy	0				
				2023 - April - 1st Council Meeting	
		Invoice 200006217646 Mar 23 2023			
			949 Al Anderson Ave		
			401-000-000-534-10-46-01	Utilities-Water Dept.	\$114.09
				949 Al Anderson Ave	
		Total Invoice 200006217646 Mar 23 2023			\$114.09
		Invoice 200009270964 Mar 23 2023			
			208 Anthes Ave #A		
			105-000-000-557-30-46-01	Utilities/VIC & R/R	\$149.10
				208 Anthes Ave #A	
		Total Invoice 200009270964 Mar 23 2023			\$149.10
		Invoice 200010078745 Mar 23 2023			
			818 Dalton Ln		
			401-000-000-534-10-46-01	Utilities-Water Dept.	\$880.90
				818 Dalton Ln	
		Total Invoice 200010078745 Mar 23 2023			\$880.90

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice 220010629941 Mar 23 2023			
			211 1st St #Light		
			001-000-150-576-80-41-02	Utilities	\$58.86
				211 1st St #Light	
		Total Invoice 220010629941 Mar 23 2023			\$58.86
	Total 0				\$1,202.95
Total Puget Sound Energy					\$1,202.95
Quill Corporation	0				
				2023 - April - 1st Council Meeting	
		Invoice 31332782			
			4 boxes file folders - allocated		
			001-000-010-513-10-30-01	Office/operational Supplies	\$6.80
			001-000-030-514-20-30-01	Supplies	\$31.27
			001-000-070-521-20-30-01	Supplies-Printing	\$31.27
			001-000-100-518-30-30-01	Facilities Maint. Supplies	\$4.08
			001-000-110-558-60-30-01	Supplies	\$8.16
			001-000-120-558-50-30-01	Supplies	\$6.80
			001-000-150-576-80-30-01	Supplies	\$2.72
			001-000-180-518-80-30-01	supplies	\$1.36
			101-000-000-543-10-30-01	Supplies	\$10.88
			104-000-000-536-10-30-01	Supplies	\$1.36
			401-000-000-534-10-30-01	Supplies	\$14.96
			402-000-000-535-10-30-01	Supplies	\$14.96
			403-000-000-531-10-30-01	Supplies	\$1.34
		Total Invoice 31332782			\$135.96
	Total 0				\$135.96
Total Quill Corporation					\$135.96
Sound Publishing Inc	0				
				2023 - April - 1st Council Meeting	
		Invoice SWR972861			
			Multifamily DNS 3.11.23		
			001-000-110-558-60-43-02	Publications/Notifications	\$133.50
				Multifamily DNS 3.11.23	
		Total Invoice SWR972861			\$133.50
		Invoice SWR972862			
			Automobile detailing 3.11.23		
			001-000-110-558-60-43-02	Publications/Notifications	\$142.50
				Automobile detailing 3.11.23	
		Total Invoice SWR972862			\$142.50
	Total 0				\$276.00
Total Sound Publishing Inc					\$276.00

Vendor	Number	Reference	Account Number	Description	Amount
South Whidbey School Dist. #206	0			2023 - April - 1st Council Meeting	
		Invoice Langley-2023-06			
			March 16 Fuel invoice		
			001-000-070-521-20-31-02	Fuel	\$619.84
				March 16 Fuel invoice	
			001-000-150-576-80-31-02	Fuel	\$67.06
				March 16 Fuel invoice	
			101-000-000-544-90-31-02	Fuel & Maintenance	\$112.27
				March 16 Fuel invoice	
			104-000-000-536-10-32-01	Fuel	\$33.64
				March 16 Fuel invoice	
			401-000-000-534-10-31-02	Fuel	\$156.43
				March 16 Fuel invoice	
			402-000-000-535-10-31-02	Fuel	\$236.12
				March 16 Fuel invoice	
			403-000-000-531-10-31-02	Fuel	\$67.29
				March 16 Fuel invoice	
		Total Invoice Langley-2023-06			\$1,292.65
	Total 0				\$1,292.65
Total South Whidbey School Dist. #206					\$1,292.65
Sunland Bark & Topsoils	0			2023 - April - 1st Council Meeting	
		Invoice 26365			
			12 units Sawdust & Fuel Surcharge		
			402-000-000-535-10-48-06	Composting/Yard Waste Program	\$1,361.09
				12 units Sawdust & Fuel Surcharge	
		Total Invoice 26365			\$1,361.09
	Total 0				\$1,361.09
Total Sunland Bark & Topsoils					\$1,361.09
Thermco Products, Inc.	0			2023 - April - 1st Council Meeting	
		Invoice 216953			
			Recertification 5-9 Temperature Points		
			402-000-000-535-10-40-04	Sewer Plant Testing	\$126.00
				Recertification 5-9 Temperature Points	
		Total Invoice 216953			\$126.00
	Total 0				\$126.00
Total Thermco Products, Inc.					\$126.00

Vendor	Number	Reference	Account Number	Description	Amount
TMG Services	0			2023 - April - 1st Council Meeting	
		Invoice 0049773-IN			
			Service - Annual Maintenance		
			402-000-000-535-10-40-06	Fleet Maintenance	\$3,832.65
				Service - Annual Maintenance	
		Total Invoice 0049773-IN			\$3,832.65
	Total 0				\$3,832.65
Total TMG Services					\$3,832.65
United Business Machines	0			2023 - April - 1st Council Meeting	
		Invoice 492588			
			Copier Maintenance & Copies		
			001-000-010-513-10-40-01	Professional Services - ADMIN Shared Cost	\$7.70
			001-000-030-514-20-40-02	Professional Services - ADMIN Shared Cost	\$33.86
			001-000-070-521-20-40-01	Professional Services - ADMIN Shared Cost	\$35.40
			001-000-100-518-30-40-01	Professional Services - ADMIN Shared Cost	\$4.62
			001-000-110-558-60-40-00	Professional Services - ADMIN Shared Cost	\$9.24
			001-000-120-558-50-40-00	Professional Services - ADMIN Shared Cost	\$7.70
			001-000-150-576-80-40-00	Professional Services - ADMIN Shared Cost	\$3.08
			001-000-180-518-80-40-01	Professional Services	\$1.54
			101-000-000-544-90-40-01	Professional Services	\$10.78
			104-000-000-536-10-40-00	Professional Services - ADMIN Shared Cost	\$1.54
			401-000-000-534-10-40-01	Professional Services - ADMIN Shared Cost	\$16.93
			402-000-000-535-10-40-01	Professional Services - ADMIN Shared Cost	\$16.93
			403-000-000-531-10-40-01	Professional Services - ADMIN Shared Cost	\$4.61
		Total Invoice 492588			\$153.93
	Total 0				\$153.93
Total United Business Machines					\$153.93
USABlueBook	0			2023 - April - 1st Council Meeting	
		Invoice 289245			
			Meter Setter w/Dual Check		
			401-000-000-534-80-31-01	Parts, Chemicals & Supplies	\$922.46
				Meter Setter w/Dual Check	
		Total Invoice 289245			\$922.46
	Total 0				\$922.46
Total USABlueBook					\$922.46

Vendor	Number	Reference	Account Number	Description	Amount
Western Facilities Supply	0			2023 - April - 1st Council Meeting	
		Invoice 046173			
			Janitorial supplies		
			001-000-100-518-30-30-01	Facilities Maint. Supplies	\$146.16
				Janitorial supplies	
			001-000-150-576-80-30-01	Supplies	\$105.47
				Janitorial supplies	
			105-000-000-557-30-30-01	Public Restrooms-R&M/Misc'l, Supplies.	\$144.18
				Janitorial supplies	
			402-000-000-535-10-30-01	Supplies	\$84.02
				Janitorial supplies	
		Total Invoice 046173			\$479.83
	Total 0				\$479.83
Total Western Facilities Supply					\$479.83
Grand Total		Vendor Count	20		\$115,746.43

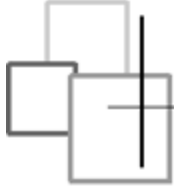


Voucher Directory

Fiscal: : 2023 - March
 Council Date: : 2023 - March - March Manual

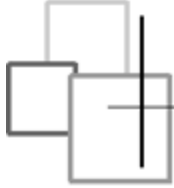
Vendor	Number	Reference	Account Number	Description	Amount
CITY OF LANGLEY					
	Bank Xfer 3.22.23			2023 - March - March Manual	
		Invoice - City of Langley 3.22.23			
			Close MIA Acct - Heritage		
			999-000-000-580-00-00	Nonexpenditures MIA	\$483.06
				Close MIA Acct - Heritage	
		Total Invoice - City of Langley 3.22.23			\$483.06
	Total Bank Xfer 3.22.23				\$483.06
Total CITY OF LANGLEY					\$483.06
IRS - USATAXPYMT					
	EFT IRS-USA Tax 3.28.23			2023 - March - March Manual	
		Invoice - 3.27.23 IRS USA Tax 3.1-3.15.23 Payroll			
			IRS Payroll Tax Dep 3.1-3.15 Payroll		
			632-000-000-586-00-01	Payroll Taxes	\$11,502.25
				IRS Payroll Tax Deposit 3.1-3.15.23	
		Total Invoice - 3.27.23 IRS USA Tax 3.1-3.15.23 Payroll			\$11,502.25
	Total EFT IRS-USA Tax 3.28.23				\$11,502.25
Total IRS - USATAXPYMT					\$11,502.25
Island County Clerk					
	43306			2023 - March - March Manual	
		Invoice - 3/14/2023 10:13:52 AM			
			Hood Litigation - Deposit w Court		
			001-000-030-518-61-20-01	Litigation Settlement (Public Records)	\$36,862.89
		Total Invoice - 3/14/2023 10:13:52 AM			\$36,862.89
	Total 43306				\$36,862.89
Total Island County Clerk					\$36,862.89
Grand Total		Vendor Count	2		\$48,848.20
					\$11,985.31

Presented at 3/20/2023 Council Meeting



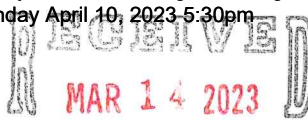
Direct Deposit Activity

Name	Social Security #	Bank Name	Account Number	Type	Amount
Direct Deposit Run - 3/3/2023			3/16/2023		
Baldwin, Darlene					\$1,805.65
Cattand, Alexis					\$1,881.51
Chaplin, Scott					\$1,653.11
Durr, Robert J.					\$2,226.87
Grone, Wanda J					\$3,090.77
Grove, Timothy J.					\$2,454.32
Hamilton, Bryan E.					\$2,132.54
Hathaway, Nicholas G					\$2,034.84
Herzberg, Robert					\$445.04
Liggitt, Charles E.					\$2,657.20
Marks, Joshua W.					\$1,779.32
McDivitt, Tara J					\$1,756.20
Pace, Jeremiah J.					\$1,662.34
Penny, Meredith B					\$2,773.02
Perry, Randi M.					\$2,704.14
Wasser, Tavier					\$3,006.65
					\$34,063.52
					\$34,063.52



Payroll Register

Number	Name	Fiscal Description	Cleared	Amount
<u>43272</u>	AFLAC WORLDWIDE HEADQTRS	2023 - March - March Manual	3/20/2023	\$213.42
<u>43273</u>	CITY OF LANGLEY	2023 - March - March Manual	3/3/2023	\$10,362.67
<u>43325</u>	CITY OF LANGLEY	2023 - March - March Manual		\$11,502.25
<u>43326</u>	National Fraternal Order of Police	2023 - March - March Manual		\$151.00
<u>43328</u>	Health Care Authority	2023 - March - March Manual		\$32,633.08
<u>DRS EFT 3.27.23</u>	DEPT OF RETIREMENT	2023 - March - March Manual		\$7,458.82
				\$62,321.24



Community Center

BY:

EVENTS PERMIT APPLICATION (\$55) Private Property

Name of Applicant/Organization Whidbey Veterans Resource Center
 Contact Person Nora M Durand Email address nora@whidbeyvet.org
 Business Phone — Home Phone — Cell 425-760-0844
 Mailing address P.O. Box 85
 City Freeland State WA Zip 98249
 On Site Person in Charge Contact Nora Durand
 Other Authorized Individuals Dana Sawyer S

Summary of proposed event:

- a) Type of activity planned (describe event)
Burger + Brat Barbeque
- b) Date of event: 5/27 Hours of operation 11 AM to 5 pm
- c) Set up Date/time: 5/27 9 AM
- d) Dismantling date/time: 5 pm
- e) Number of Staff/Volunteers on behalf of applicant: 6
- f) Estimated number of participants: 15 Estimated number of guests: 25
- g) Number of vehicles or other special equipment: _____
- h) Parking on site/off site available for guest/staff: on site parking
- i) Traffic or crowd control requirements:
N/A
- j) Street closures required: YES NO Location: _____
- k) Will participants pay a fee or make donations: YES NO (circle)
- l) Alcoholic Beverages being served: YES NO (if yes banquet Permit required)
- m) Amplified music YES NO (circle one)
- n) Safety and security measured required: _____
- o) Safety and security provided by applicant: Yes
- p) Special effects (e.g. explosives, pyrotechnics, aircraft, etc.) No
- q) Animals being used: No
- r) Other features or structure required: Music from a band
- s) Electric power, water, garbage and sewer requirements: on site
- t) Portable restrooms provided by applicant: YES NO If yes, where will they be placed and is there written permission from property owner? _____

Insurance: Insurance shall be required in connection with the insurance of a permit for a special event: \$1,000,000 commercial general liability insurance per occurrence combined single limits, \$2,000,000 aggregate unless waived by the City of Langley. The Clerk-Treasurer is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written for a period of not less than twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy, except upon thirty (30) days written notice to the City of Langley.

Public Liability Insurance Company: Great American Insurance
Policy number: 987014867 Agent: Michelle Dupras
Expiration Date: 10/31/2023 Amount: 1,000,000.00

PAC 274306104

PARTICIPANTS: Any event that attracts 1,000 or more persons shall:

HOLD HARMLESS: The applicant agrees to defend, indemnify and hold the City of Langley, its agents, employees and officials, while acting within the scope of their duties, harmless from any and all claims, suits, demands and judgements including the attorney's fees and other costs of their defense, for public or private nuisance, inverse condemnation, personal injuries, property damage or death arising out of, occurring during or a result of activities or appliances of the applicant, his employees or otherwise, except for the sole negligence of the City. The applicant further agrees with all provisions of pertinent laws, City Ordinances, rule and regulations. This permit may be revoked at any time.

Signed this 7 day of March, 2023.

Nora M Derand
Signature of Applicant or Agent

Approved Authorization: [Signature] Date: 3/28/23

RECEIVED
MAR 14 2023

Community Center

BY:

EVENTS PERMIT APPLICATION (\$55) Private Property

Name of Applicant/Organization Whidbey Veterans Resource Center
 Contact Person Nora M Durand Email address Nora@whidbeyvet.org
 Business Phone - Home Phone - Cell 425-760-0844
 Mailing address P.O. Box 85
 City Freeland State WA Zip 98249
 On Site Person in Charge Contact Nora M Durand
 Other Authorized Individuals Dana Sawyer

Summary of proposed event:

- a) Type of activity planned (describe event)
5K Walkathon
- b) Date of event: 6/17 Hours of operation 9 AM to 4 PM
- c) Set up Date/time: 6/17 7 AM
- d) Dismantling date/time: 6/17 4 PM
- e) Number of Staff/Volunteers on behalf of applicant: _____
- f) Estimated number of participants: _____ Estimated number of guests: _____
- g) Number of vehicles or other special equipment: NA
- h) Parking on site/off site available for guest/staff: yes
- i) Traffic or crowd control requirements:
No
- j) Street closures required: YES NO Location: _____
- k) Will participants pay a fee or make donations: YES NO (circle)
- l) Alcoholic Beverages being served: YES NO (if yes banquet Permit required)
- m) Amplified music YES NO (circle one)
- n) Safety and security measured required: No
- o) Safety and security provided by applicant: yes
- p) Special effects (e.g. explosives, pyrotechnics, aircraft, etc.) No
- q) Animals being used: No unless Service Animals
- r) Other features or structure required: _____
- s) Electric power, water, garbage and sewer requirements: onsite
- t) Portable restrooms provided by applicant: YES NO If yes, where will they be placed and is there written permission from property owner? _____

Insurance: Insurance shall be required in connection with the insurance of a permit for a special event: \$1,000,000 commercial general liability insurance per occurrence combined single limits, \$2,000,000 aggregate unless waived by the City of Langley. The Clerk-Treasurer is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written for a period of not less than twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy, except upon thirty (30) days written notice to the City of Langley.

Public Liability Insurance Company: Great American Insurance
Policy number: PAC 2743061-04 Agent: Michelle Dupras
Expiration Date: 10/31/2023 Amount: 1,000,000.00

987014867

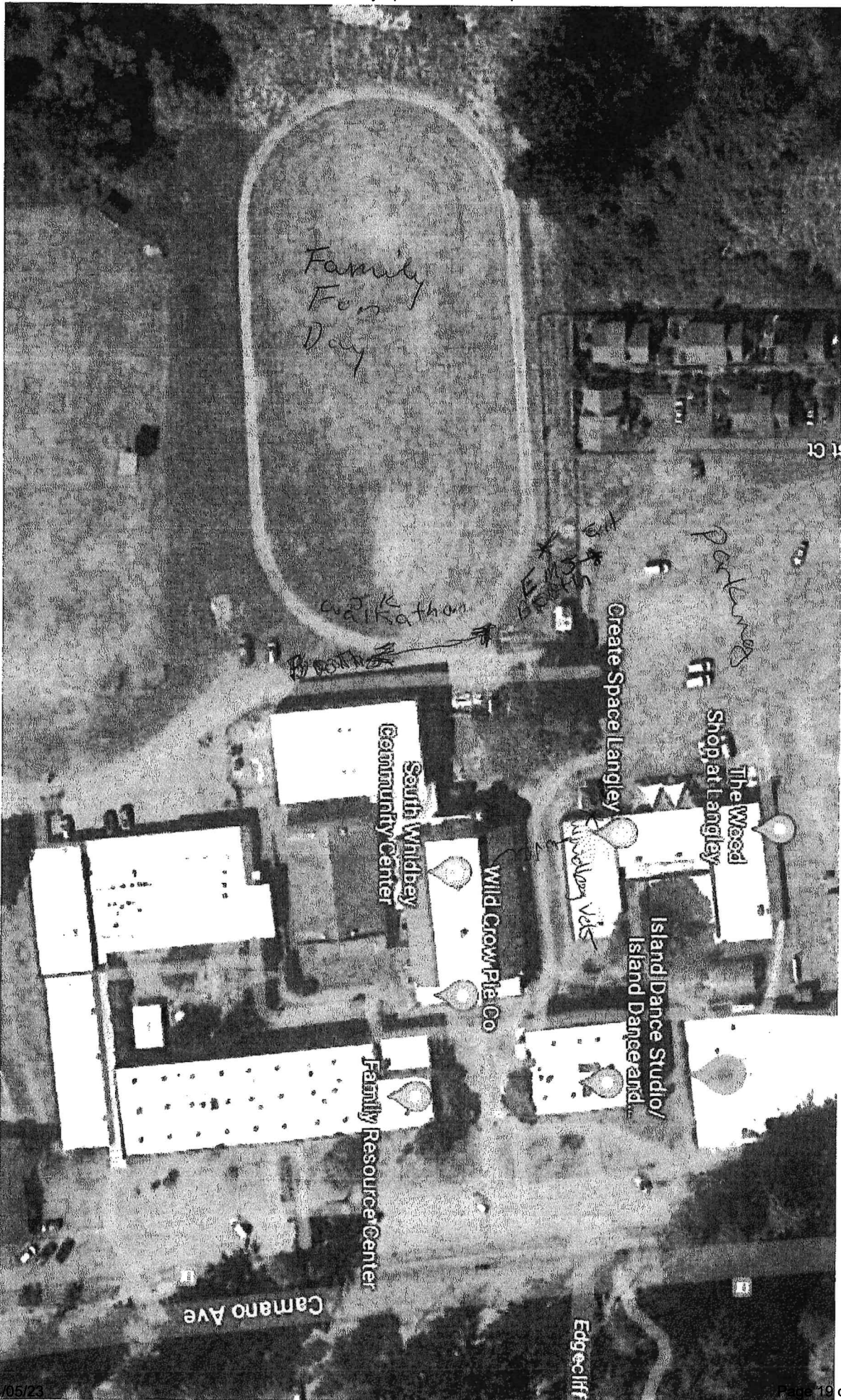
PARTICIPANTS: Any event that attracts 1,000 or more persons shall:

HOLD HARMLESS: The applicant agrees to defend, indemnify and hold the City of Langley, its agents, employees and officials, while acting within the scope of their duties, harmless from any and all claims, suits, demands and judgements including the attorney's fees and other costs of their defense, for public or private nuisance, inverse condemnation, personal injuries, property damage or death arising out of, occurring during or a result of activities or appliances of the applicant, his employees or otherwise, except for the sole negligence of the City. The applicant further agrees with all provisions of pertinent laws, City Ordinances, rule and regulations. This permit may be revoked at any time.

Signed this 7 day of March, 2023.

Nora M. Award
Signature of Applicant or Agent

Approved Authorization: [Signature] Date: 3/28/23



Sts w/ instructions
+
Family Fun Day
Dated 17/18



NOTICE OF LIQUOR LICENSE APPLICATION

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

License Division - P.O. Box 43098
Olympia, WA 98504-3098
Customer Service: (360) 664-1600
Fax: (360) 753-2710
Website: <http://lcb.wa.gov>

TO: MAYOR OF LANGLEY
RE: NEW APPLICATION

RETURN TO: localauthority@sp.lcb.wa.gov

DATE: 3/27/23

UBI: 604-861-621-001-0002

License: 434745 - 3D County: 15
Tradename: SALTY SEA COFFEE HOUSE

APPLICANTS:

SALTY SEA COFFEE LLC

Loc Addr: 111 ANTHES AVE
LANGLEY WA 98260-8433

STOCK, ALEC
1993-11-18

Mail Addr: 3138 HUGH TAYLOR LN
CLINTON WA 98236-9741

JONES, STERLING
(Spouse) 1991-11-17

Phone No.: 206-992-1617 ALEC STOCK

Privileges Applied For:

DIRECT SHIPMENT RECEIVER-IN WA ONLY
BEER/WINE REST - BEER/WINE

As required by RCW 66.24.010(8), the Liquor and Cannabis Board is notifying you that the above has applied for a liquor license. You have 20 days from the date of this notice to give your input on this application. If we do not receive this notice back within 20 days, we will assume you have no objection to the issuance of the license. If you need additional time to respond, you must submit a written request for an extension of up to 20 days, with the reason(s) you need more time. If you **need information on SSN, contact our CHRI desk at (360) 664-1724.**

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Do you approve of applicant? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you wish to request an adjudicative hearing before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |
| (See WAC 314-09-010 for information about this process) | | |
| 4. If you disapprove, per RCW 66.24.010(8) you MUST attach a letter to the Board detailing the reason(s) for the objection and a statement of all facts on which your objection(s) are based. | | |

DATE

SIGNATURE OF MAYOR,CITY MANAGER,COUNTY COMMISSIONERS OR DESIGNEE

Council Meeting Minutes
Monday, March 20, 2023

Meeting was called to order by Mayor Scott Chaplin at 5:30pm
Land Acknowledgement

ROLL CALL

In attendance: Council Member Harolynne Bobis, Council Member Rhonda Salerno, Council Member Thomas Gill, Council Member Craig Cyr, Council Member Gail Fleming, Meredith Penny Director of Community Planning, Randi Perry Director of Public Works, Tavier Wasser Chief of Police, Wanda Grone Finance Director, and Darlene Baldwin Interim City Clerk

APPROVAL OF CONSENT AGENDA

Motion to Approve Consent Agenda

Motion: Council Member Craig Cyr
2nd: Council Member Thomas Gill

Discussion:

Mayor Scott Chaplin - removing two Ethics Commission applications

Motion Passed unanimously with Amendments

APPROVAL OF AGENDA

Motion to Approve Agenda

Motion: Council Member Thomas Gill
2nd: Council Member Harolynne Bobis

Discussion:

Council Member Rhonda Salerno- requesting all agenda items include a memo

Motion Passed unanimously

APPROVAL OF MINUTES

Motion to Approve Minutes 3/6/2023

Motion: Council Member Thomas Gill
2nd: Council Member Rhonda Salerno

Motion Passed Unanimously

PUBLIC COMMENT

Irene Vernon-DSR Chair, will share at time of report

PRESENTATIONS/GUEST SPEAKER/COMMISSION REPORTS

1. Presentation to council from Inge Morascini, Langley Chamber of Commerce Executive Director
 - a. Recap of Mystery Weekend
 - i. 2800 Attendees
 - ii. 50% from more than 50 miles away

- iii. 115 from out of state
- iv. 30 from outside of US
- b. New Businesses opening in Langley
 - i. Tonic Juice & Remedy, next to Ultra House in the Village
 - ii. Mammafish, on 1st street, Japanese take out rolls
 - iii. C'est Moi Salon
 - iv. Band Box Beauty Supply, cosmetics, & fragrances
 - v. Latitude Real Estate, regenerative approach to the market
 - vi. Busy B Beauty Skincare on 1st st
- c. New Businesses moving in shortly
 - i. Savibank is moving into the old US Bank Building
 - ii. Whidbey Pies will be coming to Langley
 - iii. Misfit Cider is looking for a location
- d. Langley Chamber is incorporating to a 501C3 called Advance Langley
 - 1. Will become fiduciary partner for Langley Creates

MAYORS REPORT

1. Signed letters of support for Island Church and the Langley United Methodist Church to have solar panels with back up battery installed that would help the city with our emergency response efforts
2. Looking at some greenhouse emissions reduction grants
3. Had interesting discussion with members of PWAC about water efficiency
4. Will be looking at some Salmon Habitat Recovery money coming available
5. Contacted by the Bill Gates Foundation who are working on a project to identify white allies supporting reparations
6. A new lawsuit regarding the public records requests from 2016 through 2021
7. Finance and Personnel Legislative Commission did have an Executive Session but that did not involve any applications for any jobs
8. Kicking Gas event has 27 participants

NEW BUSINESS

1. Empty store fronts in Langley – Council Member Craig Cyr
Discussion:
Council Member Craig Cyr -Would like to get a census of how many vacant commercial buildings there are in Langley and research the city's legal standing in regard to vacancies
Council Member Harolynne Bobis – Would like to hear from our attorney. Do we have any jurisdiction over empty store fronts?
Council Member Thomas Gill-Agrees that more research needs to be done, to find out what the city can do as a code city

Break due to computer update: 5:55
Back from break: 6:03

Council Member Rhonda Salerno – Pointed out that this topic is not on the work plan for 2023

Council recommended that Mayor Scott Chaplin continue to investigate

DISCUSSION

1. Discussion on Commissions Minutes in Council Packets– Thomas Gill, Council Member Discussion:

Council Member Harolynne Bobis – Would like to receive an overview memo

Council Member Gail Fleming – Minutes are already on website

Council Member Craig Cyr – Feels website is sufficient and that council packets would be too big with all the minutes included, better strategy is to update the code

Council Member Rhonda Salerno-would rather see time spent on updating code

Motion to Approve adding a statement to the consent agenda – “Council acknowledges that they are aware of the Commission Minutes that have been posted since the previous Council Meeting”

Motion: Council Member Thomas Gill

2nd: Council Member Harolynne Bobis

Motion Passed

Four in Favor

One Nay – Rhonda Salerno

STAFF REPORTS

1. Darlene Baldwin, Interim City Clerk
 - a. Reviewed: Business & Contractor Licenses, Cemetery, LTAC, Event Permits, Staffing and Utility Billing
2. Wanda Grone, Finance Director
 - a. Back from a two-week vacation
 - b. Found one bill that had already been paid, pulled it from Voucher Directory and voided it
3. Meredith Penny, Community Planning Director
 - a. Update on Hearing Examiner Services
 - b. Update on Ongoing Projects
 - c. Update on Permit Applications

Motion to Approve Director Penny’s recommendation to accept two bids from MRSC Roster and one bid from outside of MRSC Roster for Hearing Examiner

Motion: Council Member Harolynne Bobis

2nd: Council Member Thomas Gill

Discussion

Council Member Rhonda Salerno-wants to make sure whoever is hired is familiar with Whidbey Island

Council Member Harolynne Bobis- pointed out that Director Penny asked who would like to be a part of developing questions and interviewing the applicants and volunteered to help

Motion Passed unanimously

Motion to Approve Director Penny’s recommendation to combine first and second readings for the Housing Action Plan, at upcoming June 19th, 2023 Council Meeting

Motion: Council Member Craig Cyr

2nd: Council Member Harolynne Bobis

Motion Passed unanimously

- d. SEPA notice will need to be submitted by March 27th, will bring to first April council meeting
- e. Issued a Public Notice for a bulkhead replacement at Sunrise Lane- 110 Sunrise Lane and comments are due by April 10th, 2023
- 4. Randi Perry, Public Works Director
 - a. Overview of Public Works Activity
 - i. General
 - 1. Whale Bell has been replaced
 - 2. City Hall generator replaced

Motion to Approve Director Perry’s recommendation to authorize Mayor Scott Chaplin to sign the reservoir cleaning contract

Motion: Council Member Craig Cry

2nd: Council Member Thomas Gill

Motion Passed unanimously

- ii. Projects
 - 1. Langley Infrastructure Project
 - 2. Public Works Coordination-Private Development
 - iii. Emergency & Call outs
5. Tavier Wasser. Chief of Police

Public Comment:

Irene Vernon, DSR – question on process for Police Department policy

- a. Progress Report
 - i. New Topics
 - ii. Old Topics
- b. Island County Juvenile Detention staffing shortages
- c. Skagit & Island County Police Chiefs & Sheriffs letter to Legislators

COUNCIL REPORTS

- 1. Council Member Harolynne Bobis
 - a. Went to chamber meeting which was extremely informative
 - i. Since the city does not have a recycling program, shouldn't that come first before asking people to recycle
- 2. Council Member Rhonda Salerno
 - a. Met someone with background in wetlands who works with grants with a narrow focus. Could be a resource for the city
 - b. Handout – Job of a Council Member
- 3. Council Member Craig Cyr – no report
- 4. Council Member Thomas Gill – no report
- 5. Council Member Gail Fleming
 - a. Parks and Open Space are moving forward with a porta potty for Seawall Park. Should happen sometime this spring
 - b. Conservation easement on the Fosseck forest is in process, waiting for value assessment of property

EXECUTIVE SESSION

Executive Session for discussion with legal counsel about current or potential litigation (RCW 42.30.110(1)(i))

Start: 7:10 End: 7:30

Start: 7:30 End: 7:40

ADJOURNMENT- 7:40 pm Mayor Scott Chaplin

The job of a council member

The principal job of a city or town council is to set policy. A policy is a course of action for a community. Policymaking often takes the form of passing ordinances or resolutions. After policy decisions are made by the legislative body, others perform the administrative task of implementing the policies. The distinction between formulation and implementation may not always be clear, necessitating open communication between legislators and administrators.

Adopting policy

The council does not make policy in a vacuum. Councils rely on ideas from many sources, including the council staff, community groups, advisory committees, chambers of commerce, and others. It is the council's responsibility to consider the merits of each idea and then approve, modify, or reject them. In doing so, council members analyze community needs, program alternatives, and available resources. The decision often takes the form of an ordinance or resolution, although it may take the form of a rule, regulation, motion, or order. The budget and comprehensive plan are powerful policy tools that are adopted by ordinance.

CCAC Report to Langley City Council April 3, 2023

At the City Council meeting, Linda Irvine, serving as Chair, will provide an overview of our activity since we last updated Council in September of 2022. Anne Tearse will share a preview of our upcoming Water Conference. We invite Council members to participate in this critical day of speakers and workshops hosted by the City of Langley, at WICA on June 10th.

Background

CCAC work is done under a Vision and Mission Statement, adopted by CCAC October 21, 2021.

Vision: CCAC is an inspiring image of unity, hard work and accountable climate action on behalf of all our communities and our future.

Mission: The CCAC works with the City of Langley and our Whidbey Island neighbors, to promote, finance and implement rapid, just, and measurable actions that fully meet the scale and urgency of the climate crisis.

The urgency of the climate crisis cannot be overstated. The Intergovernmental Panel on Climate Change just released their latest summary report, which warns that **even if we stopped emitting greenhouse gases today**, our past pollution has “baked in” a future of intensifying heat waves, wildfires, flooding, insect borne diseases, mass migrations, and extinctions. And we are far from stopping greenhouse gas emissions. Despite all the action we’ve taken on clean energy and electrification of transportation, overall emissions continue to increase. Due to overconsumption, lifestyles of waste, reckless burning of fossil fuels, and harmful agricultural practices, we are not slowing climate change, we are stoking it.

We continue to believe that preparing for climate change is critical. We aren’t giving up and we aren’t losing heart. The only thing that will get us through the coming century of climate chaos is a spirit of working together for the common good.

The following is a review of our top Goals, Recommendations, and Actions since our last update in September of 2022.

Goal #1 Get the City of Langley, residents, and businesses off fossil fuels.

Recommendation: Install visible solar arrays around town. Our electricity is over half fossil fueled. Per the Washington State Clean Energy Transformation Act of 2019, it will be carbon neutral by 2030, but we can’t wait seven years to have clean electricity. Installing solar arrays on city and other public property will build local resilience and inspire action by residents and businesses.

Actions:

- Won \$170K for the South Whidbey Elementary School to install solar (July 2022),
- Applied for \$87K to do a feasibility study for solar plus battery storage for the Langley Library and City Hall. (Submitted March 2023, Award Expected July 2023)

The study will enable the City to apply for implementation funds in 2024. A second grant from WA Department of Commerce could cover 70% of the installed cost and Puget Sound Energy has offered to cover the balance, in return for allowing PSE to use our battery to support the grid. In addition, the Inflation Reduction Act extended the 30% solar tax credit to non-profits

**CCAC Report to Langley City Council
April 3, 2023**

and governmental entities in the form of a “grant in lieu” of a tax credit, so the City could recoup the balance from the Federal Government.

The combination of solar plus a battery would enable City Hall and the Library to power critical loads without using fossil generators. (Fully powering either building would require more batteries than currently feasible.) Combining solar panels with batteries would enable us to recharge the battery from the sun, thereby enabling us to have critical power for extended periods of time, even indefinitely, without running out of fuel.

The feasibility study proposal includes funding for community engagement. We intend to educate community members about the option of home battery backup in a power outage. As noise complaints from generators are increasing, the silence of battery back-up is a potential solution!

Expectation: Council will pursue the implementation of solar on all feasible City buildings and the addition of battery backup to build grid resilience and reduce use of generators.

Recommendation: Promote the use of efficient, non-fossil energy for our building needs. Buildings are responsible for nearly one quarter of Washington State’s greenhouse gas emissions. We should educate and provide incentives for residents and businesses to switch to efficient electric energy.

Actions:

- Supported “Kicking Gas” proposal to the WSU Community Energy Efficiency Program, to help 100 South Whidbey Homes switch from propane, oil or wood heat, to efficient electric heat pumps.
- For the People (local community organizing platform) won \$1M for the campaign. Kicking Gas offers an income based subsidy of 20% to 50%, in addition to a low interest loan, so homeowners or renters can participate for only \$500 down. The City of Langley included a bill stuffer about Kicking Gas with the latest water bill.
- Kicking Gas has already subsidized almost 50 home conversions and is actively engaging in planning for expansion beyond 100 homes.

Expectation: Council members will promote/attend a Kicking Gas informational session. The next one is April 19th, 6 PM at the South Whidbey Community Center.

Recommendation: Replace city vehicles with electric vehicles. The transportation sector contributes 30% of our society’s greenhouse gasses. Electric vehicle technology has matured so that future EV replacements for police vehicles and pick-up trucks are financially attractive from a life-cycle point of view.

Actions:

- Met with Chief Wasser regarding his research on potential electric vehicles.
- Researched a Climate Mayors’ EV buying discount which would enable us to purchase fleet vehicles at a discount. To join Climate Mayors, we need a Climate Action Plan in place.

Expectation: Council will not approve any further purchases of fossil-fueled vehicles by City departments and will actively promote expanded charging stations for City and community use.

**CCAC Report to Langley City Council
April 3, 2023**

Goal #2 Promote ecosystem health and build resilient communities.

Strategy: Restore healthy, resilient ecosystems starting with trees and forests. Our island’s forests are a sink for a good amount of the carbon that we emit. We need to protect existing mature trees and forests, while replanting—and planting new areas. Current incentives at all levels of government from city, to county, to state are biased toward cutting trees, and that needs to change.

Recommendation: Develop or update an urban forest strategy

Actions:

- CCAC members worked with Parks and Open Space Commission to discuss new tree ordinances for Langley and strengthening enforcement of existing tree ordinances.
- CCAC members are researching how Island County and the State DNR can incentivize tree protection by landowners such as by revising property tax codes to include forest carbon capture capabilities in the criteria for landowners to enter a forest tax classification.

Expectation: City Council and the Mayor will write letters of support and exert whatever influence possible at the County and State level to align tax codes with climate safety.

Strategy: Promote zero waste to encourage circularity in the waste system rather than tossing items and organic material in the trash. While organic waste is a major contributor to greenhouse gas emissions, eliminating other forms of waste can make a significant impact by reducing packaging waste, preventing the production of petrochemicals derived from fracked gas, and avoiding the embedded energy in products.

Recommendation: Pass a zero waste ordinance modeled after those in cities such as Bainbridge Island and Bellingham.

Actions:

- CCAC members worked with the ALE middle school class and community group rePurpose to submit an ordinance for first reading (June 2022) and are in the process of revising it with input from the business community.
- The City of Langley worked with rePurpose to submit a grant proposal for a 3-year, \$3.3 million grant from the U.S. Environmental Protection Agency to plan and implement new recycling, composting, and re-use infrastructure in Langley.

Expectation: When the time is right, City Council will pass a Zero Waste Ordinance when student-led process leads to revised proposal.

Goal #3: Listen, teach, and communicate in our community about take-action-now urgency.

Renowned climate scientist Katherine Hayhoe says, “the most important thing we can do to fight climate change is to talk about it.” CCAC members aim to do just that. We will provide information about climate impacts, mitigation strategies, and adaptations we must make to thrive in climate chaos. With the passage of the Inflation Reduction Act, we have the opportunity to subsidize the transition to a clean economy. Rewiring America has a calculator that shows tens

CCAC Report to Langley City Council
April 3, 2023

of thousands of dollars available for every home. <https://www.rewiringamerica.org/app/ira-calculator>

Recommendation: Host conversations at the individual and community level to raise awareness of climate change challenges and opportunities.

Actions:

- Due to the limitations of making frequent updates to the City website, several CCAC members are supporting a community effort to establish a Whidbey Climate Action website, to serve as a clearinghouse for information about CCAC and other climate action groups on Whidbey Island. See Whidbeyclimate.org
- CCAC members will conduct Outreach Tabling at the kickoff to Earth and Ocean Month (April 5th 4PM – 6:30PM, Bayview) to share information about CCAC
- CCAC members will conduct Outreach Tabling and host an Electric Vehicle Show at the Whidbey 101 informational fair (April 29th 10 – 1, Trinity Lutheran). Information about incentives through the Inflation Reduction Act will be provided.
- Whidbey Water Conference (June 10th 9AM – 5 PM, WICA)

Expectation: Council members will promote, attend and participate in the Whidbey Water Conference on June 10th, acting as a model for and encouragement to all South Whidbey residents to engage on the issue.

Recommendation: Develop a local Carbon Offset Fund to spark conversation and channel donations into local actions to sequester carbon and reduce greenhouse gas emissions in a rapid and just manner.

Actions:

- Met with Whidbey Community Foundation to explore the concept of a local Carbon Offset Fund. WCF is enthusiastic and willing to host the fund.
- In the process of securing commitments for seed funding. Need \$10K to establish the fund.
- Expect to launch in Summer of 2023

Expectation: When further developed, Council members will promote the local Whidbey Carbon Offset Fund to business and individuals.

Goal #4: Promote County, State and National legislative and administrative actions that address the climate crisis.

Recommendation: Support Island County in developing a collaborative Climate Action Plan. The City of Langley is so small, that consultants have recommended we skip the emissions study and go straight to actions. Nevertheless, many new Federal funding opportunities require us to have a Climate Action Plan, including emissions inventory, in place. Langley should join with other jurisdictions, to get an overarching emissions inventory that includes Langley.

Actions:

CCAC Report to Langley City Council
April 3, 2023

- Pitched proposal for joint application to EPA Planning Grant at COG meeting on March 22, resulting in conversations with the EPA Region 10 and Northwest Clean Air Agency about potential partnerships.
- Exploring other potential sources of funding for developing a Climate Action Plan in collaboration with Island County

Conclusion

We have ambitious plans for the coming year, but none of this is possible without funding. While we will continue to aggressively support the City of Langley in pursuing grant funding for rapid and just climate action, we are also excited to be working with the Whidbey Community Foundation to create a local carbon offset fund. Such a fund could generate dollars locally and apply it to local solutions. Imagine if every time you fill your gas tank or take a plane trip, you could make a donation to the Whidbey Carbon Offset Fund. A technical advisory group would select proven carbon sequestration and carbon reduction projects to receive grants from the fund.

Finally, we recognize that the City of Langley is too small to make a difference by ourselves. We encourage the Council to collaborate with other local governments, the Ports of South Whidbey, the Northwest Clean Air Agency and the South Whidbey School District and Island County to develop a comprehensive Island County Climate Action Plan. We advocate that Langley join the County to amplify impact and influence beyond the city limits of Langley, perhaps inspiring County-wide participation through the Island County Council of Governments. We believe Langley and other jurisdictions should participate, support, and help fund County-wide initiatives.

There are some things in climate we cannot change, but with courage there is much we can do to reduce, mitigate, inspire, and adapt to the climate crisis. We believe CCAC can help Langley with the task of marshaling the commitment and political will to make a significant difference.

CCAC Report to Langley City Council April 3, 2023

APPENDIX 1 CCAC ROSTER

Terra Anderson Deputy Chair*	MS, Leader in Greening Congregations of Whidbey Island, https://gccwhidbey.weebly.com , organization development professional and facilitator, climate activist
Ben Courteau	Flower farmer & co-owner of Flying Bear, a flower shop in Langley. Chaired student-led sustainable transportation program, U of Montana (2003-2006); Director (2012-2013). MA in International Studies, U of Denver, focus on sustainable development (2008). P.E.A.S Sustainable Farm Program, U of Montana (2009). Community Organizer for climate legislation (2010). Raingarden installer in Seattle (2010-2011); sustainable flower grower 2013-present.
Dean Enell Deputy Chair*	Licensed engineer, BS in Psychology, MBA, climate activist, former member Island County Planning Commission, member Citizen's Climate Lobby, former chair conservation voters of Whidbey, former chair Freeland Incorporation Committee, member Whidbey Smart Growth Coalition, board member of Whidbey Community Solar.
Dr. Richard Gammon	Climate scientist and activist, professor chemistry, oceanography, and atmospheric science & co-director UW Environmental Program (ret), served on first United Nation's Intergovernmental Panel on Climate Change (IPCC) report committee. Directed the US government program to measure CO2 in the global atmosphere (1982-84).
Holly Harlan	Founded Entrepreneurs for Sustainability, an economic development organization focused on building a sustainable regional economy in Northeast Ohio. Supported start-up of the City of Cleveland Office of Sustainability and their 10-year Sustainable Cleveland community engagement program. Worked at Rocky Mountain Institute, Biomimicry Institute and currently fundraising at the Whidbey Institute.
Derek Hoshiko	Community organizer for Rapid and Just Climate Action, youth climate justice advisor, facilitator and speaker, and was Coordinating Team member for Washington Climate Assembly . Has worked with Cascadia Climate Collaborative, Climate Solutions, Greenpeace USA, and is a trained Climate Reality Leader.
Linda Irvine Chair*	Teacher (ret), Langley Comprehensive Plan Energy Committee (2005), Langley Climate Action Plan Report (2007), Community Resource Conservation Manager (2008) Program Director at Spark Northwest (https://sparknorthwest.org/) building a clean energy future.
Peter Morton Secretary*	Past Langley City Council Liaison to CCAC, engineer, Boeing executive (ret), climate activist, member Citizen's Climate Lobby.
Kjersti Ringsrud	USL member; sophomore at SWHS, Application in progress
Anne Tearse	Teacher and Dean (retired). Ph.D. education. Member Citizen Climate Lobby. Solar power and electric vehicle advocate and climate activist.
Kelly Webb	Previous project manager for Port of Coupeville, sustainable building design and consulting company, sustainable design educator, Director of Campus Sustainability and Institute for Sustainable Studies for Colorado art and design college. Completed a net zero energy home on Whidbey. 25 years on non-profit boards for Sound Water Stewards, Inland Ocean Coalition, volunteer of Island County MRC. M.A. in Environmental Policy & Management. A LEED AP O&M.
Staff Liaison Scott Chaplin	Mayor City of Langley, climate activist, served on White House Office of Science and Technology's panels to assess the potential impacts of climate change in the U.S. and on the Pacific Northwest National Laboratory/ Battelle's Greening of the White House project while working for Rocky Mountain Institute and Solar Energy International.
Council Liaison Rhonda Salerno	Previous chair Planning Advisory Board, climate activist, RePurpose Zero-Waste Group member, UUCWI Native Connections Initiative member, CERT first responder, SOS Whidbey Steering Committee member, affordable housing advocate, organic farmer, herbalist, retired teacher of 40 years and long-time early childhood advocate.
DSR Liaison Jackson Murphy	South Whidbey High School Junior, president SWHS Queer & Trans Club, climate activist, member United Student Leaders, member Langley Dismantling Systemic Racism Advisory Group (DSR)

*CCAC Leadership and Agenda Subcommittee



City of Langley

Planning Department

To: The Langley City Council

From: Meredith Penny, Community Planning Director

Meeting Date: April 10, 2023

Subject: First Reading of Proposed Interim Ordinance: Establishing a New Land Use Category for Automobile Detailing

Staff was recently made aware of an omission in the City's zoning code by a proposed development project. Staff recommends City Council adopt the following interim ordinance under RCW 35A.63.220 and RCW 36.70A.390 to address the identified issue in the short-term. The interim ordinance would ensure that development proposals will be reviewed and evaluated under updated zoning standards that are specific to and appropriate for such uses. The ordinance would be in effect for six months. In the meantime, the Planning Advisory Board (PAB) may consider recommending permanent development standards.

1. Proposed development project that brought this item to staff's attention.

Staff have been in communication with a member of the public who is looking to open an automobile detailing business in Langley.

2. Description of the inconsistencies/omissions.

The current Langley Municipal Code (LMC) includes automobile service station as conditional use but does not address the permit process for automobile detailing when not associated with gasoline service or automobile repair.

3. Proposed changes to address the inconsistencies/omissions.

Staff are proposing to add a new definition for automobile detailing within LMC 18.01.040 and list automobile detailing as a permitted use in the Central Business (CB) and Neighborhood Business (NB) zones.

Proposed new automobile detailing businesses would be processed under the existing site plan review requirements of Chapter 18.27 LMC and would be subject to the applicable existing requirements of Chapters 18.22 and 18.24 LMC.

4. SEPA notice and public comments.

A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued by the City's SEPA Responsible Official for the proposed interim ordinance on March 9, 2023. The 14-day public comment period on the determination concluded March 27, 2023. No public comments were received.

5. Relationship to Langley Comprehensive Plan.

The proposed interim ordinance is consistent with and supported by the following goals and policies of the City of Langley Comprehensive Plan.

LU-3.1: Work with Island County, regional economic development stakeholders, community groups, and local residents to enhance Langley as the commercial, mixed residential, and cultural center for South Whidbey.

LU-4.1: Focus urban residential and commercial growth in Langley's Urban Growth Area.

LU-4.2: Focus new commercial development in the central business core.

LU-5.1: Encourage development of a wide range of commercial uses to support local residents as well as the needs of the visiting public.

6. Staff Recommendation

Staff recommends Council approve the interim ordinance as proposed for a first reading. Staff recommends the public hearing be held along with the second reading at Council's April 17th meeting.

Recommended motion:

Move to approve as a first reading the proposed interim zoning amendments pursuant to RCW 36.70A.390 and RCW 35A.63.220; amending Chapter 18.01 LMC Introduction and Chapter 18.09 LMC Land Uses; defining and establishing zoning regulations for a new automobile detailing land use category; adopting supportive findings; providing for severability; and establishing an effective date.

**CITY OF LANGLEY
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, ADOPTING INTERIM ZONING AMENDMENTS PURSUANT TO RCW 36.70A.390 AND RCW 35A.63.220; AMENDING CHAPTER 18.01 LMC INTRODUCTION AND CHAPTER 18.09 LMC LAND USES; DEFINING AND ESTABLISHING ZONING REGULATIONS FOR A NEW AUTOMOBILE DETAILING LAND USE CATEGORY; ADOPTING SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Langley regulates the use and development of land through the provisions of Title 18 of the Langley Municipal Code (LMC); and

WHEREAS, the City’s zoning code does not currently define or otherwise regulate automobile detailing as a distinct land use separate from service stations; and

WHEREAS, the City Council wishes to define and adopt zoning regulations for automobile detailing under which such uses are permitted outright within the City’s Central Business (CB) and Neighborhood Business (NB) zoning districts; and

WHEREAS, adoption of the interim zoning amendments set forth in this ordinance will serve the public interest by allowing and regulating automobile detailing as a distinct land use category while the City studies, prepares and adopts new permanent zoning regulations that are specific to and appropriate for such uses;

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

Section 1. Findings. The above recitals, together with the content of the accompanying staff memorandum dated April 3, 2023, are hereby adopted in support of the interim zoning amendments set forth herein. The City Council further adopts the following additional findings:

A. The City is authorized pursuant to applicable state law, including without limitation RCW 35A.63.220 and RCW 36.70A.390, to adopt interim zoning regulations while new permanent development standards are considered, prepared and enacted.

B. Adopting the interim zoning regulations as provided herein will serve the public interest by ensuring that development proposals involving automobile detailing will be reviewed and evaluated under updated zoning standards that are specific to and appropriate for such uses.

C. On April 3, 2023, the City Council held a duly-noticed public hearing to accept public testimony regarding this ordinance.

D. The interim zoning regulations set forth herein are consistent with and will implement the relevant provisions of the Langley Comprehensive Plan, including without limitation the pertinent goals and policies of the Plan’s Land Use Element.

E. On March 9, 2023, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) in relation to the interim zoning amendments set forth in this ordinance. No timely appeals of the DNS were filed.

F. In adopting the interim zoning amendments set forth herein, the City Council has considered, and has been guided by, the Growth Management Act Planning Goals codified at RCW 36.70A.020.

Section 2. Amendment of LMC 18.01.040. Section 18.01.040 of the Langley Municipal Code is hereby amended by the addition of a new definition of “automobile detailing” to provide in its entirety as follows:

....

“Automobile Detailing” means a facility which provides cosmetic services for automobiles focused on extending the life of external and internal components. This may include but is not limited to applying paint protectors and interior or exterior cleaning and polishing. Automobile detailing does not include mechanical repairs, changing oils or fluids, engine degreasing, undercarriage cleaning, repairing or replacing breaks or tires, supplying gasoline, or other similar services; for such services see “Service station”. Automobile detailing may be provided as part of a service station or as a stand-alone use.

....

Section 3. Amendment of Chapter 18.09 LMC. Chapter 18.09 of the Langley Municipal Code is hereby amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Superseding Effect. It is the express legislative intent of the City Council that the provisions of this ordinance shall supersede and control over any inconsistent provision of the Langley Municipal Code to the extent of such inconsistency.

Section 5. 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 6. Copy to Commerce. The City Clerk is hereby directed to provide a copy of this ordinance to the Department of Commerce, Growth Management Services, in accordance with RCW 36.70A.106.

Section 7. Codification of Amendments. The City Council hereby authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 8. Effective Date; Sunset. This ordinance shall be in full force and effect five days after publication and posting of an approved summary thereof, consisting of the title, and shall remain effective for a period of six (6) months unless terminated earlier or subsequently extended by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew the interim zoning regulations adopted by this ordinance for one or more six-month periods in accordance with state law.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANGLEY,
WASHINGTON, AT A REGULAR MEETING THERETO, THIS _____ DAY
OF APRIL, 2023.**

Scott Chaplin, Mayor

ATTEST:

Darlene Baldwin
Interim City Clerk

APPROVED AS TO FORM:

J. Zachary Lell
City Attorney

Exhibit A

**Chapter 18.09
LAND USES**

Sections:

18.09.010 Land uses.

18.09.010 Land uses.

CITY OF LANGLEY	ZONING DISTRICTS										
Land Uses	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*	PUD-L	PUD-M	PUD-H
Accessory Dwelling Unit	S	S	S	S	S	S	S	X	S	S	S
Adult Family Homes	S	S	X	S	S	S	S	X	S	S	S
Automobile Detailing	P	P	X	X	X	X	X	X	X	X	X
Boardinghouses	X	P	X	P	P	P	P	X	X	P	X
Brewery	P	X	X	X	X	X	X	X	X	X	P
Campgrounds	X	X	CU	X	CU	CU	CU	X	X	X	X
School	X	CU	P	CU	CU	CU	CU	X	CU	CU	CU
Cultural Facilities	P	P	P	X	X	X	X	X	X	CU	P
Church	X	CU	CU	CU	CU	CU	CU	X	CU	CU	X
Day Care Centers	P	P	X	CU	CU	CU	CU	X	CU	CU	P
Duplexes	X	X	X	P	P	P	P	X	P	P	P
Duplexes on lots of 7,200 square feet or larger	X	X	X	X	P	P	P	X	P	P	P
Foster Homes	S	S	X	S	S	S	S	X	S	S	S
Green Building Systems	S	S	S	S	S	S	S	S	S	S	S
Health Clubs	P	P	X	X	X	X	X	X	X	P	P
Home Day Care	S	S	X	S	S	S	S	X	S	S	S
Hotels, Motels	P	P	X	X	X	X	X	X	X	P	P
Libraries and Museums	P	P	P	CU	X	X	X	X	X	P	P

CITY OF LANGLEY	ZONING DISTRICTS										
Land Uses	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*	PUD-L	PUD-M	PUD-H
Lounge	S	S	X	X	X	X	X	X	X	S	S
Makerspace	X	X	X	X	X	X	X	X	X	X	P
Medical-Dental Clinics	P	P	X	X	X	X	X	X	X	P	P
Multifamily Dwellings	S	P	X	P	See Ch. 18.13	See Ch. 18.13	X	X	P	P	P
Nurseries	X	P	X	X	X	X	X	X	X	X	P
Nursing Homes	X	CU	X	CU	CU	CU	CU	X	CU	CU	X
Offices	P	P	X	X	X	X	X	X	X	P	P
Parking Facilities	P	P	P	X	X	X	X	X	X	X	P
Public Market	P	X	P	X	X	X	X	X	X	P	P
Services	P	P	X	X	X	X	X	X	X	P	P
Public Facilities	P	P	P	CU	CU	CU	CU	X	CU	CU	P
Public Parks and Open Space Areas	P	P	P	P	P	P	P	X	See Table 3 in Section 18.26.060		
Schools and Grounds, Administrative Offices and Related Facilities	X	X	P	X	CU	CU	CU	X	CU	CU	X
Residential Zone Offices	X	X	X	X	CU	CU	CU	X	P	P	P
Restaurant (exclusive of fast food and drive-in)	P	P	X	X	X	X	X	X	X	P	P
Retail	P	X	X	X	X	X	X	P	X	P	P
Retreat/Conference Center	P	P	P	X	X	X	CU	X	X	X	P
Senior Retirement Facilities	P	P	X	CU	CU	CU	CU	X	CU	P	P
Service Stations	CU	CU	X	X	X	X	X	X	X	X	X
Short-Term Rental Type I (Rooms)	X	X	X	P	P	P	P	X	P	P	P

CITY OF LANGLEY	ZONING DISTRICTS										
Land Uses	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*	PUD-L	PUD-M	PUD-H
Short-Term Rental Type II (B&B Inns)	P	P	X	CU	CU	CU	CU	X	X	P	P
Short-Term Rental Type III (Commercial)	P	P	X	X	X	X	X	X	X	P	P
Short-Term Rental Type IV (Limited)	X	X	X	P	P	P	P	X	P	P	P
Single-Family Dwellings	X	X	X	X	P	P	P	X	P	P	X
Social and Recreational Facilities	P	P	P	X	X	X	X	X	X	P	P
Social Service Facilities	X	CU	P	CU	CU	CU	X	X	CU	CU	X
Taverns	P	X	X	X	X	X	X	X	X	X	P
Theaters	P	X	X	X	X	X	X	X	X	X	P
Tiny Home	X	X	X	X	P	P	P	X	P	P	X
Tiny Home (on a lot with an existing single-family or duplex dwelling)	X	S	X	X	S	S	S	X	S	S	X
Tiny Home (multifamily)	X	P	X	P	P	P	P	X	P	P	X
Type I and II Home Occupations	S	S	S	S	S	S	S	X	S	S	S
Type III Home Occupations	CU	CU	CU	CU	CU	CU	CU	X	CU	CU	CU
Veterinary Clinics for Small Animals	P	P	X	X	X	X	X	X	X	X	P
Wellness Retreat	CU	CU	CU	X	X	X	P	X	X	P	P
Winery	P	X	X	X	X	X	CU	X	X	X	P
Winery Bar	P	P	X	X	X	X	X	X	X	X	P
Wireless Communication Antenna Arrays	S	S	S	S	S	S	S	X	X	X	X

P - Permitted

S – Secondary

CU – Conditional Use

X – Not Permitted

*All uses permitted in the NB zone are also permitted in the NB retail overlay zone

Note: Prior to establishing a new use, other sections of the municipal code may apply.



City of Langley

Planning Department

To: The Langley City Council

From: Meredith Penny, Community Planning Director

Meeting Date: April 10, 2023

Subject: First Reading of Proposed Interim Ordinance: Establishing Performance Standards for Mixed-Use Development and Adjusting the Definition of Secondary Use

Staff was recently made aware of inconsistencies and omissions in the City's zoning code by couple proposed development projects. Staff recommends City Council adopt the following interim ordinance under RCW 35A.63.220 and RCW 36.70A.390 to address the identified issues in the short-term. The interim ordinance would ensure that development proposals will be reviewed and evaluated under updated zoning standards that are specific to and appropriate for such uses. The ordinance would be in effect for six months. In the meantime, the Planning Advisory Board (PAB) may consider recommending permanent development standards.

1. Proposed development projects that brought these items to staff's attention.

- A. Staff held a pre-application conference on a proposed mixed-use development project in April of 2022. The project is proposed on a vacant parcel on Cascade Avenue. The applicants are proposing a two-story mixed-use building with parking underneath, commercial on the ground floor, one residential unit in the back of the ground floor, and three residential units on the top floor.
- B. Staff have been in communication with the Port of South Whidbey about their proposal to rebuild the concession stands at the Island County Fairgrounds and incorporate residential apartments above.

2. Description of the inconsistencies/omissions.

The current Langley Municipal Code (LMC) presents barriers to mixed-use development in two ways.

- A. The first barrier is the definition of secondary use. Multifamily development is permitted in the Central Business zone as a secondary use. The current definition of secondary use requires that the floor area of a secondary use must be less than that devoted to the principal or primary use. This means in a mixed-use development more space would need to be dedicated to non-residential space than residential. This can be an impediment to most mixed-use projects that rely on lending. Freddie Mae and Fannie Mac require a maximum ratio of 25% non-residential space to 75% residential.
- B. The second barrier is that the LMC lacks clear standards for mixed-use development. Applying the performance standards from LMC 18.25 for multifamily development to a mixed-use project causes several conflicts. The multifamily standards were designed primarily around duplexes, townhomes, and two-story garden apartments and conflict with many of the provisions in the underlying zoning criteria regarding height and setbacks. Additionally, the open space requirements of 18.25, state, "required open space may be located a maximum of 10 feet above or below the unit it serves; provided, that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open

space serving another unit.” This requirement creates unnecessary challenges for developments composed of residential apartments over commercial spaces.

3. Proposed changes to address the inconsistencies/omissions.

- A. Staff are proposing to remove from the definition of secondary use the requirement that the floor area of a secondary use be less than that devoted to the principal or primary use. Instead, staff are recommending the establishment of a new code section that specifically addresses performance standards for mixed-use development. Within this new code section, floor area will be addressed separately for vertical mixed-use, horizontal mixed-use, and non-residential mixed-use. The standards will be focused on how mixed-use developments interact with the public sphere. Therefore, requirements will be structured for non-residential spaces to occupy the ground floor adjacent to streets and alleys, while reducing the required ratio of commercial to residential space from 51% and 49% to 25% and 75% respectively.
- B. Currently, staff are not proposing to make any substantive changes to the multifamily performance standards within LMC 18.25. There are adjustments that could be made to the multifamily performance standards, but they are not needed to address immediate concerns. Staff are proposing that the immediate issues be addressed by separating chapter 18.25 into two distinct sections, LMC 18.25.030 multifamily development performance standards and LMC 18.25.040 mixed-use development performance standards. The mixed-use performance standards will reference underlying zoning criteria for height, setbacks, lot coverage, density, design, and parking amounts. Referencing the underlying zoning requirements will remove the existing code conflicts. New provisions will be added to address floor area, open space, and parking placement.

4. SEPA notice and public comments.

- A. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued by the City's SEPA Responsible Official for the proposed interim ordinance on March 9, 2023. The 14-day public comment period on the determination concluded March 27, 2023. One public comment was received. Adjustments were made to the proposed ordinance as outlined in the public comment matrix (Attachment A).

5. Relationship to Langley Comprehensive Plan.

The proposed interim ordinance is consistent with and supported by the following goals and policies of the City of Langley Comprehensive Plan.

- LU-3.1:** Work with Island County, regional economic development stakeholders, community groups, and local residents to enhance Langley as the commercial, mixed residential, and cultural center for South Whidbey.
- LU-4.1:** Focus urban residential and commercial growth in Langley's Urban Growth Area.
- LU-4.2:** Focus new commercial development in the central business core.
- LU-4.3:** New commercial development outside of the central business core may be supported when there is no net loss of residential units.
- LU-4.6:** A mix of land uses is supported where they are sensitively integrated including, for example, home occupations in residential areas, higher residential densities adjacent to lower residential densities, and combined retail/residential uses in the commercial areas. Mixed use neighborhoods are encouraged through the use of the Planned Unit Development overlay.
- LU-4.12:** Encourage development that promotes livability, pedestrian orientation and quality design and limits stress factors such as noise pollution and traffic congestion.

LU-4.13: Approving new commercial development that results in the loss of residential units shall be discouraged.

LU-4.14: New commercial development is strongly encouraged to be mixed use.

LU-5.1: Encourage development of a wide range of commercial uses to support local residents as well as the needs of the visiting public.

6. Staff Recommendation

Staff recommends Council approve the interim ordinance as proposed for a first reading. Staff recommends the public hearing be held along with the second reading at Council's April 17th meeting.

Recommended motion: *Move to approve as a first reading the proposed interim zoning amendments pursuant to RCW 36.70A.390 and RCW 35A.63.220; amending Chapter 18.01 LMC Introduction and amending and retitling Chapter 18.25 LMC Performance Standards—Multi-family; establishing performance standards for mixed-use development; adopting supportive findings; providing for severability; and establishing an effective date.*

Attachments:

- A. Public Comment Matrix - March 27, 2023

Public Comment Matrix - Interim Ordinance Establishing Mixed-Use Performance Standards and Adjusting the Definition of Secondary Use					
Last Name	First Name	Date	Method	Summary of Concerns	Change Made?
Barton	John	3/15/2023	Email	<p>18.25.03.B.1.b states “where a building is adjacent to multiple streets or alleys...”</p> <ul style="list-style-type: none"> - Could use added clarification of intent: - Is this intended to apply to a project with (2) streets or (2) alleys - or is this intended to also apply to a project with (1) street and (1) alley? - One may read this section as written that a project with (1) street and (1) alley is exempt from providing ground level non-residential uses at both street and alley locations. Think Anthes Ave project – what is the City’s intent here? 	<p>Yes. Changed as follows.</p> <p>1. Vertical Mixed-Use. Where a mix of residential and non-residential uses occur within the same building, a larger floor area may be devoted to residential uses than to non-residential uses, provided the following provisions are met.</p> <p>a. The rear of the building and upper floors may be devoted to residential uses, but <u>all the</u> ground level portions of the building adjacent to <u>the any</u> streets or <u>alleys</u> shall be devoted to non-residential uses;</p> <p>b. where a building is adjacent to multiple streets or alleys, all ground level portions of the building adjacent to any street or alley shall be devoted to non-residential uses;</p> <p>c. the floor area devoted to non-residential uses shall be a minimum of 25% of the total floor area of the building; and</p> <p>d. should the building be setback from the street, the provisions of this section still apply.</p>
				<p>18.25.03.B.2.c states “...shall comply with the above standards of LMC 18.25.040.B.1...”</p> <ul style="list-style-type: none"> - I believe LMC 18.25.040.B.1 needs to be revised to LMC 18.25.030.B.1 	<p>Yes.</p> <p>Reference corrected as suggested.</p>
				<p>18.25.03.D.1 states “For every one (1) square foot of residential floor space, a minimum of one third (1/3) of a square foot (48 square inches) of usable open space...”</p> <p>Basing the Usable Open Space requirement for Mixed-Use in the CB Zone at a rate of 33% of residential floor space negatively impacts allowable Building Footprint in the CB Zone where lot coverage and setback requirements are largely waived.</p> <p>As an example, following 18.25.030.B.1.c</p> <p>“The floor area devoted to non-residential uses shall be a minimum of 25% of the total floor area of the building.”</p> <p>Construction of a 2-story building on an 8,000sqft lot in the CB Zone, in which there are no setback requirements, could yield a project made up of 4,000sqft of non-residential use and 12,000sqft of residential use. This example would require 3,000sqft of Useable Open Space. That equates to 37.5 percent of the site area, and that has yet to factor in parking or on-site traffic circulation.</p> <p>That type of site impact is more aligned with Multi-Family buildings in a residential zone rather than Mixed-Use buildings in the CB Zone</p> <p>That type of site impact is more aligned with Multi-Family buildings in a residential zone rather than Mixed-Use buildings in the CB Zone.</p> <p>Below is how the City of Seattle addresses Amenity Area requirements for Mixed-Use buildings in a commercial zone:</p> <p>27.47A.024.A – Amenity Area</p> <p>“Amenity areas are required in an amount equal to 5 percent of the total gross floor area in residential use, except as otherwise specifically provided in this Chapter 23.47A.”</p>	<p>Yes. Changed as follows.</p> <p>D. Open Space</p> <p>1. For every one (1) square foot of residential floor space, a minimum of one third (1/3) of a square foot (48 square inches) of usable open space shall be provided on-site for residents. Such open space shall be provided in one or more of the following ways:</p> <p><u>1. Neighborhood Business (NB) zone. For every four (4) square feet of residential floor space, a minimum of one (1) square foot of usable open space shall be provided onsite for residents.</u></p> <p><u>2. Central Business (CB) zone. For every ten (10) square feet of residential floor space, a minimum of one (1) square foot of usable open space shall be provided onsite for residents.</u></p> <p><u>3. Such open space shall be provided in one or more of the following ways:</u></p>

			<p>I urge the City of Langley to weigh the proposed 33 percent requirement vs. Seattle's 5 percent requirement and find a median point that best supports the level of site development the City of Langley desires in the CB Zone. I would submit the Usable Open Space requirement in the CB Zone should not be based on the Usable Open Space requirement for Multi-Family development in a residential zone.</p>	
			<p>18.25.03.E.2 states "...Parking shall be located behind or beside buildings relative to the street." - Could you please re-state this to state "...Parking shall be located behind, beside, or under buildings relative to the street."?</p>	<p>Yes. Changed as suggested.</p>

**CITY OF LANGLEY
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, ADOPTING INTERIM ZONING AMENDMENTS PURSUANT TO RCW 36.70A.390 AND RCW 35A.63.220; AMENDING CHAPTER 18.01 LMC INTRODUCTION AND AMENDING AND RETITLING CHAPTER 18.25 LMC PERFORMANCE STANDARDS—MULTI-FAMILY; ESTABLISHING PERFORMANCE STANDARDS FOR MIXED-USE DEVELOPMENT; ADOPTING SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Langley regulates the use and development of land through the provisions of Title 18 of the Langley Municipal Code (LMC); and

WHEREAS, the performance standards for multifamily uses set forth at Chapter 18.25 LMC were crafted primarily for duplexes, townhomes, and two-story garden-style apartment buildings; and

WHEREAS, the City Council desires to amend Chapter 18.01 LMC and Chapter 18.25 LMC by adopting interim zoning regulations that establish performance standards specifically for and appropriate to mixed use development that involves a combination of residential and nonresidential uses in the same building; and

WHEREAS, adoption of the interim zoning amendments set forth in this ordinance will serve the public interest by facilitating and establishing performance standards for desirable mixed use development while the City studies, prepares, and adopts new permanent zoning regulations that are specific to and more appropriate for such uses;

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

Section 1. Findings. The above recitals, together with the content of the accompanying staff memorandum dated April 3, 2023, are hereby adopted in support of the interim zoning amendments set forth herein. The City Council further adopts the following additional findings:

A. The City is authorized pursuant to applicable state law, including without limitation RCW 35A.63.220 and RCW 36.70A.390, to adopt interim zoning regulations while new permanent development standards are considered, prepared, and enacted.

B. Adopting the interim zoning regulations as provided herein will serve the public interest by ensuring that development proposals for mixed use development will be

reviewed and evaluated under updated performance standards that are specific to and appropriate for such uses.

C. On April 3, 2023, the City Council held a duly-noticed public hearing to accept public testimony regarding this ordinance.

D. The interim zoning regulations set forth herein are consistent with and will implement the relevant provisions of the Langley Comprehensive Plan, including without limitation the pertinent goals and policies of the Plan’s Land Use Element.

E. On March 9, 2023, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) in relation to the interim zoning amendments set forth in this ordinance. No timely appeals of the DNS were filed.

F. In adopting the interim zoning amendments set forth herein, the City Council has considered, and has been guided by, the Growth Management Act Planning Goals codified at RCW 36.70A.020.

Section 2. Amendment of LMC 18.01.040. The definition of “secondary use Section 18.01.040 of the Langley Municipal Code is hereby amended to provide in its entirety as follows:

....

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

....

Section 3. Amendment of Chapter 18.25 LMC. Chapter 18.25 of the Langley Municipal Code is hereby amended to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. Superseding Effect. It is the express legislative intent of the City Council that the provisions of this ordinance shall supersede and control over any inconsistent provision of the Langley Municipal Code to the extent of such inconsistency.

Section 5. 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 6. Copy to Commerce. The City Clerk is hereby directed to provide a copy of this ordinance to the Department of Commerce, Growth Management Services, in accordance with RCW 36.70A.106.

Section 7. Codification of Amendments. The City Council hereby authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 8. Effective Date; Sunset. This ordinance shall be in full force and effect five days after publication and posting of an approved summary thereof, consisting of the title, and shall remain effective for a period of six (6) months unless terminated earlier or subsequently extended by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew the interim zoning regulations adopted by this ordinance for one or more six-month periods in accordance with state law.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANGLEY,
WASHINGTON, AT A REGULAR MEETING THERETO, THIS _____ DAY
OF APRIL, 2023.**

Scott Chaplin, Mayor

ATTEST:

Darlene Baldwin
Interim City Clerk

APPROVED AS TO FORM:

J. Zachary Lell
City Attorney

Exhibit A

Chapter 18.25

PERFORMANCE STANDARDS - MULTIFAMILY AND MIXED-USE DEVELOPMENT

Sections:

18.25.010 Purpose.

18.25.020 Multifamily Development

18.25.030 Mixed-Use Development

~~**18.25.020 Height.**~~

~~**18.25.030 Structure width and depth.**~~

~~**18.25.040 Front, rear and side setbacks.**~~

~~**18.25.050 Open space.**~~

~~**18.25.060 Parking and access.**~~

...

18.25.010 Purpose.

~~These standards for multifamily housing are for the purpose of fostering multifamily development of low height and small bulk with private, landscaped open space directly accessible to each unit. The primary objective is the development of housing that fits in with the scale, siting and landscaping of Langley neighborhoods single family areas. Bulky buildings are discouraged by limiting the width of structures. Housing types to be encouraged would include ground-related structures such as duplexes, triplexes, townhouses and tandem houses.~~

Mixed-use zoning allows for the provision of a variety of uses within a single development. The interaction of these different uses during day and evening hours provides a dynamic that cannot usually be created with typical single use zones allowing people to live and work in close proximity. This concept also tries to reduce dependency upon the automobile, makes pedestrians a focal point, encourages human interaction, and a vibrant sidewalk environment. These areas may function as a downtown core or a node in a larger neighborhood that provides goods and services to residents.

Multifamily zoning provides for a variety of higher density housing types including triplexes, townhomes, and multifamily apartment buildings which are consistent with the goals and policies of the Langley Comprehensive Plan, contribute to the building and maintaining of safe and attractive housing areas, and address a wide variety of housing needs.

18.25.020 ~~Height~~ Multifamily Development.

A. Height.

~~A. 1. Maximum Height. The maximum height shall be 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.~~

~~B. 2.~~ Sloped Lots. On sloped lots, additional height shall be permitted along the lower elevation of the structure footprint, at the rate of one foot for each six percent of slope, to a maximum additional height of five feet.

~~18.25.030 Structure width and depth.~~

B. Structure Width and Depth.

~~A. 1.~~ Maximum Width.

~~1.a.~~ The maximum width of a structure on a lot when the front facade is not modulated shall be:

~~a.(1)~~ Thirty feet if there is no principal entrance facing the street; or

~~b.(2)~~ Forty feet if a principal entrance faces the street.

~~2.b.~~ The maximum width of each structure on a lot shall be 60 feet when the front facade is modulated.

~~B.2.~~ Maximum Depth. The maximum depth of a structure shall be 65 percent of the lot.

~~C.3.~~ Modulation Requirements.

~~1. a.~~ Front facades: See above.

~~2. b.~~ Side facades: On corner lots, side facades greater than 40 feet in width, which face the street, shall be modulated.

~~3. c.~~ Interior facades: Within a cluster development, all interior facades wider than 40 feet shall be modulated; provided, that maximum modulation width shall be 40 feet. Perimeter facades shall follow standard development requirements.

~~4. d.~~ Modulation Standards.

~~a.(1)~~ The minimum depth of modulation shall be four feet;

~~b.(2)~~ When balconies are part of the modulation and have a minimum dimension of at least six feet, the minimum depth of modulation shall be two feet.

~~5. e.~~ The minimum width of modulation shall be five feet.

~~6. f.~~ Maximum width of modulation: The modulation width shall emphasize the identity of individual units, but shall not be greater than 30 feet. For units located one above the other, the individuality of the units shall be emphasized through the location of driveways, entrances, walkways, and open spaces.

~~7. g.~~ Required modulation may start a maximum of 10 feet above existing grade, and shall be continued up to the roof.

~~18.25.040 Front, rear and side setbacks.~~

C. Front, rear, and side setbacks.

~~A. 1.~~ The general setbacks are specified in Section 18.12.080.

~~B. 2.~~ Required Setbacks for Cluster Developments. Where two or more principal structures are located on a lot, the required setback between those portions of interior facades, which face one another, shall be a minimum of 10 feet.

~~C. 3.~~ Structures in Required Setbacks.

~~1.a.~~ Permitted fences, freestanding walls, bulkheads, signs, and other similar structures, no greater than six feet in height, are permitted in required front, side, or rear setbacks;

~~2-b.~~ Decks, which average no more than 18 inches above existing or finished grade, whichever is lower, may project into required setbacks. Such decks shall not be permitted within five feet of any lot line, unless they abut a permitted fence or freestanding wall, and are at least three feet below the top of the fence or wall. The fence or wall shall be no higher than 78 inches.

~~18.25.050 Open space.~~

D. Open space

~~A. 1.~~ A minimum of 300 square feet per unit of private, usable open space, at ground level and directly accessible to each unit, shall be required.

~~B. 2.~~ Development Standards.

~~1- a.~~ The required open space shall be provided in one contiguous parcel, and no horizontal dimension of the open space shall be less than 10 feet.

~~2- b.~~ Required open space may be located in the front, sides, or rear of the structure.

~~3- c.~~ Required open space may be located a maximum of 10 feet above or below the unit it serves; provided, that the access to such open space does not go through or over common circulation areas, common or public open spaces, or the open space serving another unit.

~~4- d.~~ Required open space shall be landscaped.

~~5- e.~~ At least 50 percent of the required open space for a unit shall be level; provided, that:

~~a- (1)~~ The open space may be terraced; and

~~b- (2)~~ Minor adjustments in level shall be permitted as long as the difference in elevation between the highest and lowest point does not exceed two feet.

~~6- f.~~ To ensure privacy of open space, openings such as windows and doors on the ground floor of walls of a dwelling unit or common area which directly faces the open space of a different unit are prohibited, unless such openings are screened by view-obscuring fences, freestanding walls, wing walls, or landscaping. Fences, freestanding walls, or wing walls located in setbacks shall be no more than 78 inches.

~~7- g.~~ Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier-Free Design, shall not be counted as open space.

~~18.25.060 Parking and access.~~

E. Parking and Access.

~~A. 1.~~ Parking Quantity. Parking shall be required as provided in Chapter 18.22.

~~B. 2.~~ Access to Parking. Street or alley access permitted: Access to parking may be from either the alley or the street. The following factors shall be considered:

~~1- a.~~ Safety; and

~~2- b.~~ Impacts on adjacent zones, particularly single-family; and

~~3- c.~~ Topography.

~~C. 3.~~ Location of Parking.

- ~~1. a.~~ Parking shall be located on the same site as the principal use.
- ~~2. b.~~ Parking may be located in or under the structure; provided, that the parking is screened from direct street view by the street facing facades of the structure and/or by garage doors.

18.25.030 Mixed-Use Development

A. Height, Setbacks, Lot Coverage, Density

1. Building height, setbacks, lot coverage, and density limitations shall be governed by the underlying zoning district requirements.

B. Floor Area

1. Vertical Mixed-Use. Where a mix of residential and non-residential uses occur within the same building, a larger floor area may be devoted to residential uses than to non-residential uses, provided the following provisions are met.

- a. The rear of the building and upper floors may be devoted to residential uses, but all ground level portions of the building adjacent to any streets or alleys shall be devoted to non-residential uses;
- c. the floor area devoted to non-residential uses shall be a minimum of 25% of the total floor area of the building; and
- d. should the building be setback from the street, the provisions of this section still apply.

2. Horizontal Mixed-Use. Where a mix of residential and non-residential uses occur on a single site but in separate buildings, a larger floor area may be devoted to residential uses than to non-residential uses, provided the following provisions are met.

- a. All buildings adjacent to streets or alleys shall be devoted to non-residential uses;
- b. the floor area devoted to non-residential uses shall be a minimum of 25% of the total floor area of all buildings on the site; and
- c. buildings which contain a mix of residential and non-residential uses and are adjacent to streets or alleys, shall comply with the above standards of LMC 18.25.030.B.1 for vertical mixed-use.

3. Non-Residential Mixed-Use. Where a mix of different non-residential uses occur within the same building and/or on the same site, the floor area devoted to secondary uses must be less than the floor area devoted to principal or primary uses as classified by Chapter 18.09 LMC.

C. Design

1. Mixed-use development shall be subject to design review in accordance with the provisions of Chapter 18.34 LMC.

D. Open Space

1. Neighborhood Business (NB) zone. For every four (4) square feet of residential floor space, a minimum of one (1) square foot of usable open space shall be provided onsite for residents.

2. Central Business (CB) zone. For every ten (10) square feet of residential floor space, a minimum of one (1) square foot of usable open space shall be provided onsite for residents.

3. Such open space shall be provided in one or more of the following ways:

a. Private Open Space. Private open space shall be in yards, patios, terraces, or balconies immediately adjacent and accessible to individual residential units with no dimension less than five feet. Private open space shall make up no more than 50 percent of the total required open space.

b. Shared Open Space. Shared open space shall be accessible to all residents of the lot and shall not include driveways or parking areas.

(1) Outdoor shared open space shall be provided in the form of patios, terraces, courtyards, plazas, rooftop decks, lawns and gardens, children's play areas, picnic and barbeque areas, and outdoor sports equipment and facilities. Outdoor shared open space may be located within required yard setbacks.

c. Permeable Open Space. Paving materials used within outdoor shared open spaces shall be permeable to allow groundwater to recharge, rooftop decks shall be exempt from this requirement.

E. Parking

1. Parking amounts. The number of required parking stalls shall be in accordance with section LMC 18.22.130 based on each of the uses contained within a building or on a site.

2. Parking placement. Parking shall be located behind, beside, or under buildings relative to the street.

To: **Langley City Council**

From: **Rhonda Salerno, Council Position 2**

Date: **April 3, 2023**

Topic: **Holiday Recognition** Number of pages including this one: **3**

Introduction/Summary: The Dismantling System Racism Commission [DSR] came to Council with a recommendation that we bring four holidays and undetermined monthly celebrations to the special attention of Langley residents in a simple, but meaningful way. The message would name the holiday or monthly celebration, mention its significance, and encourage participation in any community events being offered by local organizations. I have included a list of holidays and celebrations by month for us to refer to. If you can add any that I have missed, please bring them up during our deliberation. Also, here is a link to a sample proclamation from this year's Black History Month recognition at the national level,

<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/01/31/a-proclamation-on-national-black-history-month-2023/>

Council Action Request: Pass a motion for action on list of celebrations and holidays.

Statement as to actions importance: DSR brought this item up at our March 6, 2023 Council Meeting and no decision has been made as to how to proceed.

Timeline for Action: Begin immediately after action is taken by Council.

Financial Implications: none

Staff Time Implications: none

List all attachments: DSR Memo dated February 24, 2023
List of US Celebrations and Holidays

ADVISORY MEMO:

To: City Council, City of Langley WA
From: Dismantling Systemic Racism (DSR) Commission
Date: February 24, 2023
Subject: Holidays of Note

The City of Langley recognizes several public holidays, of which four are of specific note to those working to dismantle systemic racism. The DSR advises the City, preferably through the person of the Mayor, to bring special public attention each year to these holidays:

- Martin Luther King Junior Day, the third Monday in January
- Juneteenth, June 19th
- Indigenous Peoples Day, the second Monday in October
- Native American Heritage Day, the fourth Friday in November

There are numerous ways the City can choose to bring these holidays to the special attention of Langley residents. We recognize that the City is not in the business of event planning, any more than is the DSR, and so would recommend a simple yet meaningful announcement, again preferably through the person of the Mayor, in the week or more preceding the event. This announcement would ideally:

- name the holiday,
- offer a short personalized statement as to its significance, including its significance to the author and to Langley or our region, and
- encourage residents to seek out and participate in community events teaching about and recognizing the holiday.

On this latter point, the announcement could direct residents to institutions and organizations that typically plan events for these specific holidays, for example, the South Whidbey School District, local churches, Goosefoot, and Sno-Isle Library.

We also recommend that the City take a similar approach to other notable events on the annual calendar, such as Black History Month (February), Arab American Month (April), Asian Pacific Heritage Month (May), Hispanic Heritage Month (Sept 15-Oct15), and more.

January

- [Slavery and Human Trafficking Prevention Month](#)
- [Martin Luther King Junior Day, the third Monday in January](#)

February

- [Black History Month](#)

March

- [Irish American Heritage Month](#)
- [Women's History Month](#)

April

- [Arab American Heritage Month](#)

May

- [Asian Pacific American Heritage Month](#)
- [Haitian Heritage Month](#)
- [Jewish American Heritage Month](#)

June

- [Caribbean-American Heritage Month](#)
- [LGBT Pride Month](#)
- [Juneteenth, June 19th](#)

July

- [Disability Pride Month](#)

August

September

- [National Hispanic Heritage Month \(September 15 to October 15\)](#)

October

- [Filipino American History Month](#)
- [Italian American Heritage and Culture Month](#)
- [Polish American Heritage Month](#)

November

- [Native American Indian/Alaska Native Heritage Month](#)
- [Indigenous Peoples Day, the second Monday in October](#)
- [Native American Heritage Day, the fourth Friday in November](#)

December

City of Langley

112 Second Street
P.O. Box 366
Langley, WA 98260
(360) 221-4246
www.langleywa.org



Scott Chaplin
Mayor
Fax (360) 221-4265

Staff Report

To: Langley City Council
From: Wanda J. Grone, Finance Director
Re: Update for 2nd half of March 2023
Meeting Date: April 10, 2023

I have taken over Accounts Payable recording and warrant issue, and have incorporated the notes that Council and the Finance & Personnel Legislative Commission (FPLC) requested. This was done to expedite processing and provide better payables issue. At some point another staff member will have to become involved in the process as there was previously, because having one person do all of the payables functions is a violation of internal control policies – it does not allow for separation of duties and allows the opportunity for fraud and/or embezzlement. When the City Administrator is hired, that individual can make the decision as to who should be performing that part of the process. I will be able to train that person in the proper procedures once that decision is made.

From an investment interest earnings standpoint, the State’s Local Government Investment Pool’s rates remain lucrative for small governments’ surplus cash investments – the current rate is 4.89%. The City is therefore able to earn additional revenue that is unrestricted in its usage, at least for as long as the current rate environment continues. As a placeholder, the interest revenue is being recorded as finance revenue, rather than being distributed among each fund based on a fund balance allocation as was previously done. Per RCW 35.39.034, investment income may be either allocated and used for the benefit of participating funds or for the benefit of the general or current expense fund as determined by the governing body. The exception to this is that funds derived from the sale of general obligation bonds must be used according to bond covenants; the LIP Bond interest revenue is recorded as an addition to the LIP funds. This topic will be discussed by the FPLC as part of formulating an updated Investment Policy and then decreed by ordinance or resolution.

My immediate project is to close out 2022’s year end balances and establish them for calendar year 2023 as soon as possible, and begin putting together the annual report for the Washington State Auditor’s Office. The due date for submission is May 30 and this will be a large undertaking. Other time sensitive recurring items will remain in the schedule while report preparation is ongoing.

</>

FULL MENU

EN </alert/dea-reports-widespread-threat-fentanyl-mixed-xylazine> |

ES
</es/node/216506>

PUBLIC SAFETY ALERT

DEA Reports Widespread Threat of Fentanyl Mixed with Xylazine </alert/dea-reports-widespread-threat-fentanyl-mixed-xylazine> - DEA Reports Widespread Threat of Fentanyl Mixed with Xylazine



PUBLIC SAFETY ALERT

DEA Reports Widespread Threat of Fentanyl Mixed with Xylazine

WASHINGTON - The U.S. Drug Enforcement Administration is warning the American public of a sharp increase in the trafficking of fentanyl mixed with xylazine. Xylazine, also known as “Tranq,” is a powerful sedative that the U.S. Food and Drug Administration has approved for veterinary use.

“Xylazine is making the deadliest drug threat our country has ever faced, fentanyl, even deadlier,” said Administrator Milgram. “DEA has seized xylazine and fentanyl mixtures in 48 of 50 States. The DEA Laboratory System is reporting that in 2022 approximately 23% of fentanyl powder and 7% of fentanyl pills seized by the DEA contained xylazine.”

Xylazine and fentanyl drug mixtures place users at a higher risk of suffering a fatal drug poisoning. Because xylazine is not an opioid, naloxone (Narcan) does not reverse its effects. Still, experts always recommend administering naloxone if someone might be suffering a drug poisoning. People who inject drug mixtures containing xylazine also can develop severe wounds, including necrosis – the rotting of human tissue – that may lead to amputation.

According to the CDC, 107,735 Americans died between August 2021 and August 2022 from drug poisonings, with 66 percent of those deaths involving synthetic opioids like fentanyl. The Sinaloa Cartel and Jalisco Cartel in Mexico, using chemicals largely sourced from China, are primarily responsible for the vast majority of the fentanyl that is being trafficked in communities across the United States.

FDA recently communicated to health care providers about the risks to patients exposed to xylazine in illicit drugs. A copy of that communication can be found here: FDA alerts healthcare professionals of risks to patients exposed to xylazine in illicit drugs. <<https://www.fda.gov/drugs/drug-safety-and-availability/fda-alerts-health-care-professionals-risks-patients-exposed-xylazine-illicit-drugs>>

###

The DEA issues Public Safety Alerts to warn the public of new, emerging threats to the safety and health of the American people. The DEA last issued a Public Safety Alert in September 2021 warning the public about increases in the lethality and availability of fentanyl-laced fake prescription pills. The DEA updated that alert in November 2022 warning that six out of ten fentanyl-laced fake prescription pills contain a potentially lethal dose of fentanyl.

SAMHSA Behavioral Health Treatment Locator

Address, city, state or zip code

Go

Date: April 10, 2023
To: Langley City Council Members
From: Harolynne Bobis, Council 1
Topic: Proposed Langley City Council Code of Ethics
Pages: 11

Introductions/Summary

We've been working together for over a year and could be more efficient and effective if we had some rules. While I like the Kirkland Code of Ethics, I think there are some areas that may not fit our needs at this time. I would like the Council to review this Code of Ethics

Council Action Request

I'm proposing the Council agree to ask our attorney to draft an ordinance establishing a code of ethics for the Council and the Commissions. The most obvious change is Kirkland to Langley, but there are other areas like an Ethics Officer.

List Attachments

- Ordinance O-4348 (2 pages)
- Exhibit A – Code of Ethics (9 pages)

ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

WHEREAS, the citizens and business of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS, adopting a Code of Ethics for members of the City Council and the City's boards and commissions will promote public confidence in the integrity of local government and fair operation; and

WHEREAS, the Code of Ethics will provide the basis for education and training for City officials both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Code of Ethics is established as Chapter 3.14 of the Kirkland Municipal Code as set forth in the attached Exhibit "A."

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of February, 2012.

Signed in authentication thereof this 7th day of February, 2012.



MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney

EXHIBIT A

Chapter 3.14 CODE OF ETHICS

3.14.010 - POLICY

(a) *Purpose.* The Kirkland City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) *Intent.* The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the City of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) public officials be independent, impartial and fair in their judgment and actions;
- (3) public office be used for the public good, not for personal gain; and
- (4) public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

3.14.020 - DEFINITIONS

(a) "**Official**" means a member of the City Council or a member of Council-appointed City boards and commissions and other Council-appointed task groups or committees, including youth members.

(b) "**Relative**" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in law, brother- or sister-in law.

3.14.030 - PROHIBITED CONDUCT

(a) *Conflicts of Interest.* In order to ensure their independence and impartiality on behalf of the common good, Officials shall not participate in government decisions in which any of the following has a financial interest: (i) the Official, (ii) a Relative, (iii) an individual with whom the Official resides, or (iv) an entity that the Official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (i) to decisions regarding taxes or fees, (ii) if the financial interest is shared with more than ten percent of the City's population, or (iii) if the financial interest exists solely because of the Official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) *Appearance of Conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the Official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing paragraph, or (2) a transaction or activity engaged in by the Official, the Official shall make a public, written

disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) *Misuse of Public Position or Resources.* Except for infrequent use at little or no cost to the City, Officials shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for other than a City purpose.

(d) *Representation of Third Parties.* Except in the course of official duties, Officials shall not appear on behalf of the financial interests of third parties before the bodies on which the Officials serve or in interaction with assigned staff. However, the members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

(e) *Solicitations of Charitable Contributions.* No Official may make direct personal solicitations for charitable contributions from City employees.

(f) *Gifts and Favors.* Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the Official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Kirkland Municipal Code 3.80.140.

(g) *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a City purpose. "Confidential Information" means (i) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (ii) information made confidential by law.

3.14.040 – FINANCIAL DISCLOSURE STATEMENTS

All Officials, except members of the City Council, shall file a City of Kirkland Disclosure Statement annually. In accordance with Chapter 42.17 RCW, members of the Kirkland City Council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable City of Kirkland Disclosure Statement within ten days of appointment.

3.14.050 – ETHICAL STANDARDS

In addition to Section 3.14.030 of the Code of Ethics, which shall be administered by the Ethics Officer, Officials are also encouraged to comply with the following standards:

(1) *Compliance with other laws.* Officials shall comply with Federal, State and City laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and City ordinances and policies. See Appendix A. As required by RCW 42.17.750, no Official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any City employee. Except under limited circumstances described in RCW 42.17.130, no Official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any

person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) *Personal integrity.* The professional and personal conduct of Officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, Officials shall not directly or indirectly induce, encourage or aid anyone to violate the Code of Ethics and it is incumbent upon Officials to make a good faith effort to address apparent violations of this Code of Ethics.

(3) *Working for the Common Good.* Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council, boards and commissions. Officials need to be mindful that making special requests of staff – even when the response does not benefit the Official personally, puts staff in an awkward position.

(4) *Respect for Process.* Officials shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

(5) *Commitment to Transparency.* Transparency, openness, and accountability are fundamental values of the City – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of City government that are prepared, possessed, used or retained by any Official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from City staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the City Public Records Officer (the City Clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the Public Records Officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility for the Public Records Officer, together with the City Attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; Officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) *Conduct of Public Meetings.* Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) *Decisions Based on Merit.* Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) *Ex parte Communications.* In quasi-judicial matters, Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) *Attendance.* As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) *Nepotism.* The City Council will not appoint Relatives of City Council Members to boards or commissions or other appointed positions.

(11) *Advocacy.* When acting in an official capacity as a City Official representing the City, Officials shall represent the official policies or positions of the City Council, board or commission to the best of their ability when the City Council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during Council meetings, board/commission meetings, or other official City meetings. However, this does not preclude Officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) *Policy Role of Officials.* Officials shall respect and adhere to the council-manager structure of Kirkland City government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by State law, Officials shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

APPENDIX A

Ch. 9A.72 RCW	Perjury and interference with official proceedings
RCW 35A.12.060	Vacancy for nonattendance
Ch. 35A. 13 RCW	Council-manager plan of government
RCW 35A.13.020	Incompatible offices
Ch. 40.14 RCW	Preservation and destruction of public records
RCW 42.17.130	Use of public office or agency facilities in campaigns – prohibition - exceptions
RCW 42.17.750	Solicitation of contributions by public officials or employees
Ch. 42.23 RCW	Code of ethics for municipal officers – contract interests
Ch. 42.36 RCW	Appearance of fairness doctrine - limitations
Ch. 42.56 RCW	Public records act
KMC 3.80.140	Kirkland code on acceptance of gifts
Ch. 3.12 KMC	Limitations on campaign contribution

3.14.060 – ETHICS OFFICER

(a) The City Council creates the position of Ethics Officer. The City Manager will contract with one or more agencies to fill this position. The Ethics Officer will provide for annual review of the Code of Ethics, review of training materials provided for education regarding the Code of Ethics, and advisory opinions concerning the Code of Ethics. The Ethics Officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The Ethics Officer, in addition to other duties, may recommend changes or additions to this Code of Ethics to the City Council. The Ethics Officer shall provide input into and review the training materials and program developed for this Code of Ethics.

3.14.070 – ADVISORY OPINIONS

(a) Upon request of any Official, the Ethics Officer shall render written advisory opinions concerning the applicability of Sections 3.14.030 and 3.14.040 of this Code to hypothetical circumstances and/or situations solely related to the persons making the request. The Ethics Officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the Public Disclosure Commission, the City Public Records Officer, etc.

(b) Upon request of any Official, the Ethics Officer may also render written advisory opinions concerning the applicability of the Code of Ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The Ethics Officer will endeavor to respond to requests for advisory opinions within forty-five (45) days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the Ethics Officer shall not be found to violate this Code of Ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the Ethics Office issues an advisory opinion that the described conduct would not violate the Code of Ethics, and the person's conduct is consistent with the advisory opinion. The Ethics Officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the Ethics Officer's authority, the remainder of the opinion shall remain intact.

3.14.080 – COMPLAINTS, INVESTIGATIONS, HEARINGS AND ENFORCEMENT

The Ethics Officer shall resolve inadvertent and minor violations of the Code of Ethics informally and may resolve inadvertent or minor violations informally, unless the Ethics Officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the Ethics Officer may initiate an action in accordance with this section.

(1) COMPLAINT PROCESS

(A) *Complaint Requirements – Service.* Any person may submit a written complaint to the Ethics Officer alleging one or more violations of this Code of Ethics by an Official. The complaint must set forth specific facts with enough precision and detail for the Ethics Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

(B) *Finding of Sufficiency.* The Ethics Officer shall make a determination of sufficiency within thirty (30) days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section 3.14.030 or 3.14.040 of this Code. The Ethics Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics Officer shall investigate the complaint as set forth below.

(C) *Dismissal.* The Ethics Officer shall dismiss the complaint if the Ethics Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) *Notice.* Notice of action by the Ethics Officer shall be provided as follows:

1. Notice of a finding of insufficiency or dismissal of a complaint by the Ethics Officer shall be sent to the person who made the complaint and the person complained against within seven (7) days of the decision by the Ethics Officer. A finding of insufficiency or dismissal of a

complaint by the Ethics Officer is final and binding, and no administrative or other legal appeal is available through the Ethics Officer.

2. Within seven (7) days of the Ethics Officer rendering a finding of sufficiency, the City Clerk shall send notice to the person who made the complaint and the person complained against, of the Ethics Officer's determination. If, after investigation, the Ethics Officer has reason to believe that a material violation of Section 3.14.030 or 3.14.040 has occurred, the City Clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty (30) days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) *Stipulations.* At any time after a complaint has been filed with the Ethics Officer, the Ethics Officer may seek and make recommendations that the City Council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics Officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the City Council for action.

(2) CONDUCT OF HEARINGS

(A) All hearings on complaints found to be sufficient by the Ethics Officer shall be conducted by the Hearing Examiner. The hearing shall be informal, meaning that the Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Hearing Examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Hearing Examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Hearing Examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided that the Hearing Examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the Ethics Officer and City Council.

(3) CITY COUNCIL ACTION

Final City Council action to decide upon stipulations and recommendations from the Ethics Officer and findings, conclusions, and recommendations from the Hearing Examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the City Council, deliberations by the Council may be in executive session. The member of the Council against whom the complaint was made, will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the Council against whom the complaint was made, a public hearing or public meeting before the Council will be held on the issue of penalties.

(4) DISPOSITION

In the event the Hearing Examiner finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in Subsection 5 below.

(A) *Dismissal.* Dismissal of the complaint without penalties.

(B) *Referral.* A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) *Admonition.* An admonition shall be an oral non-public statement made by the Mayor, or his/her designee, or if the complaint is against the Mayor, the Deputy Mayor or his/her designee to the Official.

(D) *Reprimand.* A reprimand shall be administered to the Official by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor.

(E) *Censure.* A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or if the complaint is against the Mayor, the Deputy Mayor. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least twenty (20) calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the Official appears as required.

(F) *Removal.* Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a City board or commission or other task group or committee, appointed by the City Council, the City Council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) *Civil Penalties.* The City Council may assess a civil penalty of up to One Thousand Dollar (\$1,000.00) or three (3) times the economic value of anything received in violation of this Code of Ethics or three times (3) the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund.

(H) *Contract void.* As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers – contract interests," is void.

(I) *Other penalties.* The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the City for any regional or multi-jurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.

(5) REVIEW OF CIVIL PENALTIES

If the City Council orders an Official to pay a civil penalty, the Official may seek a writ of review from the superior court pursuant to Ch. 7.16 RCW, within thirty (30) days of the City Council's order.

(6) PROTECTION AGAINST RETALIATION

Neither the City nor any Official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment,

intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the Ethics Officer.

(7) PUBLIC RECORDS

Records filed with the Ethics Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The City shall release copies of any written reports resulting from an investigation of a sustained complaint, any Hearing Examiner orders, and any written censures or reprimands issued by the City Council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) LIBERAL CONSTRUCTION – LIMITATION PERIOD – EFFECTIVE DATE

(A) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this Code of Ethics must be commenced within three years from the date of violation.

(C) This Code of Ethics shall take effect February 18, 2012.

PUBLICATION SUMMARY
OF ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

SECTION 1. Establishes a new Chapter 3.14 entitled "Code of Ethics."

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 7th day of February, 2012.

I certify that the foregoing is a summary of Ordinance O-4348 approved by the Kirkland City Council for summary publication.



City Clerk