



ABERDEEN CITY COUNCIL

July 8, 2015

COUNCIL MEETING AGENDA

7:15 p.m. Third Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
- B. Additions to Agenda
- C. Department Heads
- D. Mayor's Report
- E. Non-Standing Committee Reports

COUNCIL MEETING

I. ROLL CALL

II. FLAG SALUTE

III. APPROVAL OF MINUTES

IV. PUBLIC COMMENT Re: Agenda Items (Please limit your comments to 3 minutes)

V. FINANCE COMMITTEE

- A. Committee Chair Report
- B. Approval of Expenditures
 - 1. Recommend approval of expenditures and payroll.

VI. PUBLIC WORKS

- A. Committee Chair Report
- B. Reports & Communications
- C. Resolutions
- D. Ordinances
 - 1. Second reading and date of public hearing of Bill No. 15-06 amending the official zoning map of the City of Aberdeen, being AMC § 17.08.020 as amended, by rezoning certain described property between Simpson Ave. and Sumner St., from Thornton St. to Myrtle St., from (C-R) Commercial Residential to (C-G) General Commercial.

VII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Reports & Communications
- C. Ordinances
 - 1. First reading of Bill No. 15-07 adopting a six month moratorium prohibiting the licensing, location, and permitting of facilities for the wholesale storage and sales of liquid, solid, or gasified petroleum in the City of Aberdeen, State of Washington.
 - 2. Second reading and date of public hearing of Bill No. 15-09 authorizing the operation of wheeled all-terrain vehicles (WATV) in the City of Aberdeen and adopting a new chapter in the AMC regulating the use of WATV within city limits.

VIII. SPECIAL AGENDA ITEMS

A. Reports & Communications

IX. CITY COUNCIL COMMENT PERIOD

X. PUBLIC COMMENT PERIOD (Please limit your comments to 3 minutes)

EXECUTIVE SESSION

The City of Aberdeen does not discriminate against or exclude anyone from participation in public meetings. Requests for assistance should be made by contacting the Finance Department at 360-537-3236, 48 hours in advance of the meeting. Thank you.

15 - 06

ORDINANCE NO.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ABERDEEN, BEING ABERDEEN MUNICIPAL CODE SECTION 17.08.020 AS AMENDED, BY REZONING CERTAIN DESCRIBED PROPERTY BETWEEN SIMPSON AVENUE AND SUMNER STREET, FROM THORNTON STREET TO MYRTLE STREET, FROM (C-R) COMMERCIAL RESIDENTIAL TO (C-G) GENERAL COMMERCIAL.

WHEREAS, the Planning Commission of the city of Aberdeen, pursuant to AMC 17.64.020A, is requesting rezone of 13 city blocks between Simpson Avenue and Sumner Street, running from Thornton Street to the city limits at Myrtle Street, more fully described below;

WHEREAS, the Planning Commission conducted a public meeting on said rezone on April 30, 2015, and received one public comment in support and no comments in opposition, and has recommended approval of the request;

WHEREAS, the City Council having held a public hearing on May 27, 2015, considered potential environmental impacts, the report of the Planning Commission, and the absence of any public comment against the requested rezone; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. FINDINGS OF FACT AND CONCLUSIONS. The City Council adopts the recommended findings and conclusions contained in Aberdeen Planning Commission & Staff Report #2015-01 as presented at the open public hearing held on May 27, 2015, as hereby amended to find that a SEPA determination of DNS has been issued for the proposed rezone.

SECTION 2. ZONING MAP AMENDED. The Zoning Map of the City of Aberdeen, as established in AMC 17.08.020, is hereby amended to include the rezone of Blocks 8 through 14 of the Hoquiam Addition to the city of Aberdeen and Blocks 7 through 12 of Rice's Addition to the city of Aberdeen from C-R to C-G. The city planner shall revise the Zoning Map of the

city of Aberdeen to reflect the change in the zoning district and indicate the number of the ordinance adopting the change.

SECTION 3. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 4. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ___ day of June, 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director

15 - 07

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A SIX MONTH MORATORIUM PROHIBITING THE LICENSING, LOCATION, AND PERMITTING OF FACILITIES FOR THE WHOLESALE STORAGE AND SALES OF LIQUID, SOLID, OR GASIFIED PETROLEUM IN THE CITY OF ABERDEEN, STATE OF WASHINGTON.

WHEREAS, in the first quarter of 2015 alone there have been several explosions and fires of rail-borne tank cars carrying Bakken crude oil and many of these cars were of the “safety modified” type of car designed to carry that product safely;

WHEREAS, local jurisdictions are not capable of adequately dealing with the explosions and fires involving petroleum-laden rail cars;

WHEREAS, the city of Aberdeen has very serious concerns about the safety of the public, public services, and public infrastructure, all of which would be placed in serious jeopardy by the addition of new wholesale liquid, solid, and gasified petroleum storage and sales facilities;

WHEREAS, federal regulations announced the first week of April 2015 governing rail cars hauling flammable crude petroleum prohibit public disclosure of train movement and location information;

WHEREAS, RCW 35.22.690 authorizes adoption of moratoriums by First Class cities;

WHEREAS, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act pursuant to WAC 197-11-880;

WHEREAS, discussion regarding the establishment of zoning laws, both in city council and with the public, could take many weeks to reach a policy decision; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. MORATORIUM ADOPTED. Pursuant to RCW 35.22.690 and RCW 35.63.200, a moratorium is hereby imposed prohibiting the licensing, location, and permitting of facilities for the wholesale storage and sales of liquid, solid, or gasified petroleum within the city limits of Aberdeen.

SECTION 2. DURATION OF MORATORIUM. This moratorium shall remain in effect for six months from the effective date of this ordinance unless terminated earlier as pursuant to the term as set forth in Section 4.

SECTION 3. EXISTING FACILITIES AND PERMIT APPLICATIONS. This moratorium shall not affect existing storage facilities previously permitted by the city or vested rights of applicants who have filed completed permit applications with the city prior to the effective date of this ordinance.

SECTION 4. PUBLIC HEARING DATE. A public hearing shall be held pursuant to RCW 35.63.200 during the regular city council meeting of Wednesday, July 22, 2015, at 7:15 pm, in the Aberdeen city council chambers.

SECTION 5. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 6. EFFECTIVE DATE. This ordinance is hereby declared and designated a public emergency ordinance necessary for the protection of public health and safety and for the protection of public property and shall be effective immediately upon its adoption.

SECTION 7. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

PASSED and APPROVED this ____ day of _____, 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director

15 - 09

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE OPERATION OF WHEELED ALL-TERRAIN VEHICLES (WATV) IN THE CITY OF ABERDEEN AND ADOPTING A NEW CHAPTER IN THE ABERDEEN MUNICIPAL CODE REGULATING THE USE OF WATV WITHIN CITY LIMITS.

WHEREAS, RCW 46.09.455(1)(d) prohibits WATV and Off-Road Vehicle (ORV) operation on streets and highways within the city limits unless authorized by local ordinance;

WHEREAS, the city of Aberdeen has adopted the state Model Traffic Ordinance, including those sections which regulate WATV definitions, licensing, equipment, and operation (WAC 308-330-197), and, pursuant to RCW 46.09.360, has determined that additional restrictions should be imposed as a condition of WATV operation within the city limits; **NOW, THEREFORE**,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. NEW CODE CHAPTER ADOPTED. The following chapter is hereby added to the Aberdeen Municipal Code:

Chapter 10.18 AMC – Wheeled All-Terrain Vehicles

Section 10.18.010 – Definitions.

Section 10.18.020 – WATV Operation on City Streets.

Section 10.18.030 – Penalties.

Section 10.18.010 – Definitions. “Wheeled All-Terrain Vehicle (WATV)” means a four wheeled vehicle where operator and passenger sit side by side in the vehicle, manufactured primarily for recreational non-highway all-terrain use, as further defined by the state Model Traffic Ordinance adopted by the city of Aberdeen (Chpt. 10.04 AMC).

Section 10.18.020 – WATV Operation on City Streets. Any person operating a WATV on city streets or alleys must comply with the following requirements, in addition to all state requirements for registration, operation, WATV use permits, and equipment laws:

A. WATV operators must be at least 18 years of age and must possess a current valid driver's license; no parent or legal guardian of a person under the age of 18 shall knowingly allow the underage person to operate a WATV in violation of this ordinance;

- B. The maximum speed limit for operation of a WATV is 35 mph or the posted limit, whichever is lower;
- C. WATV's must be operated in single-file with enough space between each WATV for a full-sized vehicle to pass each WATV safely;
- D. WATV's must be operated with all four wheels of the WATV on the roadway; no shoulder driving is permitted, except for slowing to allow vehicle traffic to pass.

Section 10.12.030 – Penalties for violations. Failure to perform any act required, or the performance of any act prohibited, in this chapter shall be a traffic infraction enforced as provided in Chapter 1.10 AMC, unless otherwise provided under state law or ordinance.

SECTION 2. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 3. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2015.

Bill Simpson, Mayor

ATTESTED:

Kathryn Skolrood, Finance Director