



ABERDEEN CITY COUNCIL

August 9, 2017

COUNCIL MEETING AGENDA

7:15 PM – 3rd Floor, City Hall

COMMITTEE OF THE WHOLE

- A. Guest Speakers
 - 1. Julie Knackstedt - Department of Commerce
- 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. ADDITIONS / DELETIONS

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

VI. FINANCE COMMITTEE

- A. Committee Chair Report
- B. Approval of expenditures
 - 1. Recommend approval of expenditures and payroll.
- C. Public Hearings
- D. Reports & Communications
- E. Ordinances

VII. PUBLIC WORKS

- A. Committee Chair Report
- B. Reports & Communication
 - 1. Report from Public Works and the Public Works Director recommending that Public Works be authorized to apply for Washington State Transportation Improvement Board (TIB) grants.
- C. Ordinances
 - 1. Second reading and public hearing of Bill No. 17-09 reducing the number of garage sales or yard sales allowed in a calendar year from ten to two, amending section 17.56.095 of the Aberdeen Municipal Code and Ordinance 6521.
 - 2. Third reading of Bill No. 17-07 relating to processing applications for variances under the zoning code.

3. Third reading of Bill No. 17-08 adopting a revised Shoreline Master Program update as approved by the Washington State Department of Ecology.

VIII. PUBLIC SAFETY

- A. Committee Chair Report
- B. Reports & Communications

IX. SPECIAL AGENDA ITEMS

- A. Reports & Communication
 1. Report from Personnel Committee and the Mayor recommending that the City Council approve the Mayor's request for an exception to PP 3.20 for Mike Randich's supervision of Steve Randich as a result of the reorganization of the Public Works Department.
- B. Proclamation
- C. Resolutions
- D. Appointments

X. CITY COUNCIL COMMENT PERIOD

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

XII. 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.

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

MAYOR: Erik Larson

**THE MEMBERS OF
YOUR COMMITTEE ON:** Public Works and the Public Works Director

TO WHOM IT WAS REFERRED: Authorization to apply for Washington State Transportation Improvement Board (TIB) grants.

REPORTS AS FOLLOWS: Public Works proposes to apply for two TIB grants. Applications are due August 18, 2017.

1. TIB Arterial Preservation Program – Market Street from Park Street to Division Street
 - Selectively repair subgrade and overlay the street with two inches of hot mix asphalt. Extend the Market Street striping pattern including a center turn lane and bike lanes west from Park Street to Division Street. A minimum City match of 10% is required. Transportation Benefit District funds may be used as the City match.

2. TIB Urban Arterial Program – Roundabout at Intersection of Market Street, F Street, and Fuller Way
 - Provide preliminary application to familiarize TIB with the project. Final application will be submitted during TIB’s 2018 call for projects. A minimum City match of 10% will be required at that time.

IT IS RECOMMENDED: That Public Works be authorized to apply for the TIB grants.

Rick Sangder
Public Works Director

Dee Anne Shaw, Chair

Alan Richrod, Vice-Chair

Reported _____, 2017

Kathi Prieto, Member

Adopted _____, 2017

Peter Schave, Member

ORDINANCE NO. _____

AN ORDINANCE REDUCING THE NUMBER OF GARAGE SALES OR YARD SALES ALLOWED IN A CALENDAR YEAR FROM TEN TO TWO, AMENDING SECTION 17.56.095 OF THE ABERDEEN MUNICIPAL CODE AND ORDINANCE 6521.

WHEREAS, the city council has determined that the current limit of ten garage or yard sales a year has led to abuses of the restriction on second hand sales in residential zoning districts;

WHEREAS, reducing the number of allowed garage or yard sales to two a year will still allow ample opportunities for households to dispose of their unwanted household goods without unreasonably disturbing their neighbors, **NOW, THEREFORE**,

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

SECTION 1. CODE SECTION AMENDED. Ordinance 6521, in part, codified as AMC 17.56.095, is hereby amended to read as follows:

- A. Garage sales are allowed under the following conditions:
 - 1. No residential premises shall have more than ~~ten (10)~~ two (2) sales per calendar year, with no more than three (3) consecutive days for each sale, for a total of not more than ~~thirty (30)~~ six (6) days per calendar year;
 - 2. All displays of merchandise and sale activities must be conducted on the residential premises; and
 - 3. All signs advertising garage sales shall be removed twenty-four (24) hours after the sale is completed. Sale signs shall not be attached to any public structures, signs or traffic control devices or utility poles.
- B. Garage sales complying with the above conditions are a permitted accessory use to all residential land uses and do not require authorization from the Community Development Director. A garage sale violating any of the above conditions shall be considered a commercial use and shall be subject to all applicable commercial licensing and land use restrictions.

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 _____, 2017.

Erik Larson, Mayor

ATTEST:

Mike Folkers, Finance Director

17-07

ORDINANCE NO. _____

AN ORDINANCE RELATING TO PROCESSING APPLICATIONS FOR VARIANCES UNDER THE ZONING CODE, AMENDING SECTIONS 2.30.070A, 17.64.080, 17.68.050E, 17.68.060, 17.68.070, 17.68.080, 17.68.090, 17.68.130, 17.68.150, 17.72.090, 17.76.010, 17.76.050, 17.76.070, AND 17.76.080 OF THE ABERDEEN MUNICIPAL CODE, ADDING NEW SECTIONS 17.68.065, 17.68.075, AND A NEW CHAPTER 17.78, AND REPEALING SECTION 17.68.120.

WHEREAS, the current city code requires a mandatory hearing before the land use hearing examiner for all variance applications;

WHEREAS, allowing the Community Development Director to approve certain routine variances, after providing public notice and subject to review by the hearing examiner upon request, will greatly reduce the cost and fees required for reviewing routine variance applications; NOW, THEREFORE,

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

SECTION 1. CODE SECTION AMENDED. Ordinance 6592, Section 1, in part, codified as AMC 2.30.070A, is hereby amended to read as follows:

2.30.070 Hearing examiner – Authority and duties.

A. The hearing examiner shall hear and decide the following land use quasi-judicial applications:

1. Rezones which are not of general applicability (site-specific rezones);
2. ~~Variances and~~ Conditional use permits;
3. Preliminary subdivisions and planned developments.
4. Shoreline substantial development permits subject to quasi-judicial review, shoreline variances, and shoreline conditional use permits;

SECTION 2. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.64.080, is hereby amended to read as follows:

17.64.080 Public hearing notice. Notices for public hearings for rezones and amendments shall follow the procedures established in Chapter 17.68.

~~A. Notices for public hearings for rezones shall contain the following information:~~

- ~~1. The name of the applicant and, if applicable, the project name;~~

- ~~2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;~~
- ~~3. Mailed notices shall contain a vicinity map indicating the location of the subject property;~~
- ~~4. A brief description of the proposal and existing and proposed zoning designations of the subject property;~~
- ~~5. The deadline for comment;~~
- ~~6. The date, time and place of the public hearing;~~
- ~~7. A statement of the right of any person to participate in the public hearing;~~
- ~~8. The notice for the city council hearing shall include a statement of the appeal process.~~
- ~~B. Notices for public hearings for amendments to the zoning ordinance shall contain the following information:~~
 - ~~1. A summarization of the existing text and the proposed language of the amendment;~~
 - ~~2. The name of the applicant requesting the change;~~
 - ~~3. The deadline for comment;~~
 - ~~4. The date, time and place of the public hearing;~~
 - ~~5. A statement of the right of any person to participate in the public hearing;~~
 - ~~6. The notice for the city council hearing shall include a statement of the appeal process.~~
- ~~C. The department shall provide notice at least ten days before a scheduled public hearing date.~~
- ~~D. The department shall provide notice of public hearings for rezone applications by:~~
 - ~~1. Publishing within a newspaper of general circulation within the city;~~
 - ~~2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within three hundred (300) feet of any boundary of the subject property and of a contiguous property in the applicant's ownership. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken;~~
 - ~~3. Posting the subject property with at least one notice visible from a public street;~~
 - ~~4. Posting notice at one place visible to the public in Aberdeen City Hall.~~
- ~~E. The department shall provide notice of public hearings for amendments to the zoning ordinance by:~~
 - ~~1. Publishing notice of the public hearing in a newspaper of general circulation within the city;~~
 - ~~2. Posting notice at one place visible to the public in Aberdeen City Hall;~~
 - ~~3. Mailing notice of the public hearing to each person who has requested such notice in writing. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken.~~

SECTION 3. CODE SECTION AMENDED. Ordinance 6592, Section 19, in part, codified as AMC 17.68.050E, is hereby amended to read as follows:

E. The hearing examiner shall decide applications for conditional use permits on the decision criteria in Section 17.68.060. ~~Decisions on applications for variances from Chapter~~

~~14.100, Critical Area Protection, shall be based on the decision criteria in Section 14.100.053. Decisions on applications for variances from Title 17 shall be based on the decision criteria in Section 17.68.070. All decisions on variances are subject to the limitation on the authority to grant variances in Section 17.68.080.~~ The hearing examiner may condition or modify the proposal. If the hearing examiner considers placing modifications on an application to such an extent that it results in a proposal dissimilar from the description of the proposal contained in the hearing notice, the hearing examiner shall hold a new hearing on the modified proposal before approving the application. Notice of this hearing shall be provided as required by ~~Section 17.68.090~~ Chapter 17.78 AMC.

SECTION 4. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.68.060, is hereby amended to read as follows:

17.68.060 Conditional use permit decision criteria.

A. The ~~board of adjustment~~ hearing examiner shall evaluate applications for conditional use permits, excepting for those requesting restoration of destroyed nonconforming uses, for conformance with all of the following criteria:

1. The proposed use is compatible with existing and potential uses in the general area;
2. The proposed use will be served by adequate public facilities, including streets, fire protection, water, storm water and sanitary sewer;
3. The proposed use is in accordance with the comprehensive development plan;
4. The proposed use complies with the requirements of the zoning district where it will be located. A conditional use permit shall not be used to reduce the requirements of the zoning district in which the use is to locate;
5. The conditional use permit complies with all other applicable criteria and standards of the Aberdeen Municipal Code.

B. The ~~board of adjustment~~ hearing examiner shall evaluate applications for conditional use permits involving restoration of destroyed nonconforming uses for conformance with all of the following criteria:

1. The use bears a substantial relationship to the public health, safety or welfare;
2. The use has value for the community as a whole;
3. Relocating the use is either not possible or would create a hardship beyond the purchase and development of real property and the construction of improvements;
4. The use is compatible with existing and potential uses in the general area;
5. The design and layout of any structure(s) or use(s) is harmonious and appropriate in design, character and appearance with the existing character and quality of development in the immediate vicinity of the subject property, including the physical characteristics of the subject property;
6. Adequate public facilities, including streets, fire protection, water, storm water and sanitary sewer, are available to service the use;
7. There will not be an increase in the nonconformity of the use above the level existing at the time the use was destroyed;

8. A conditional use permit shall not be used to further reduce the requirements of the zoning district where the use is located beyond that which existed at the time the use was destroyed;
9. The conditional use permit complies with all other provisions of the Aberdeen Municipal Code.

SECTION 5. NEW CODE SECTION ADOPTED. The following section 17.68.065 is hereby added to the Aberdeen Municipal Code:

[NEW] 17.68.065 Variances. Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel which authorizes a use which is not otherwise authorized. A variance shall not be granted to any administrative or procedural provision of the zoning regulations

SECTION 6. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.68.070, is hereby amended to read as follows:

17.68.070 Variance application and decision criteria. The owner or his/her agent may make application for a variance on a form prescribed by the director and submitted to the community development department accompanied by the required fee and such plans, elevations and other information as are required for evaluation of the applicant's request, and written statements and evidence showing that:

A. Because of special circumstances or conditions, applicable to the property, building, or use, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications and that the special circumstances or conditions were not created or caused by the applicant.

B. Granting the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

C. Granting of the variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the property.

D. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.

E. Granting of the variance will not under the circumstances of the particular case, be substantially detrimental to the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not under the circumstances of the

~~particular case, be substantially detrimental to the public welfare or injurious to property or improvements in the neighborhood. The board of adjustment shall evaluate applications for variances for conformance with all of the following criteria:~~

~~A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties both in the vicinity and the zoning district where the subject property is located.~~

~~B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in both the vicinity and the zoning district where the subject property is located.~~

~~C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in both the vicinity and in the zoning district where the subject property is located.~~

~~D. The special circumstances of the subject property make the strict enforcement of the ordinance or the zoning regulations an unnecessary hardship to the property owner or lessee.~~

~~E. The variance is the minimum necessary to fulfill the purpose of the variance and the need of the applicant.~~

~~F. The variance is consistent with the purpose and intent of the zoning regulations.~~

SECTION 7. NEW CODE SECTION ADOPTED. The following section 17.68.075 is hereby added to the Aberdeen Municipal Code:

[NEW] 17.68.075 Notification of variance application. At least ten days prior to taking action on a variance application, the community development department shall notify adjacent property owners either in person or by mail. Such notification shall indicate the nature and location of the requested variance and shall solicit an expression of opinion.

SECTION 8. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.68.080, is hereby amended to read as follows:

17.68.080 ~~Limitation on authority to grant~~ Issuance of variances. Variances may be granted by the director or referred to the hearing examiner. A variance may only be granted or conditionally granted when findings consistent with the criteria of Section 17.68.070 can be made. Within forty-five days of receipt of a complete application, the director shall conduct an investigation to determine whether the criteria are met and shall grant, conditionally grant, deny or refer the application to the hearing examiner. A variance application shall be referred to the hearing examiner if the applicant is also applying for a rezone, conditional use, or other land use activity that requires approval by the hearing examiner.

~~The board of adjustment shall not grant a variance for the following purposes:~~

- ~~A. To allow a use other than a use specifically listed as a permitted use, conditional use or special use in the zoning district where the subject property is located. Variances shall not be approved to allow an unlisted or unclassified use in any zoning district;~~
- ~~B. Any provisions within the zoning regulations that specifically exclude the application of a variance;~~
- ~~C. Any administrative or procedural provision of the zoning regulations.~~

SECTION 9. CODE SECTION AMENDED. Ordinance 6592, Section 20, codified as AMC 17.68.090, is hereby amended to read as follows:

17.68.090 Public hearing notice. Public notice of any hearing before the hearing examiner shall be published in accordance with Chapter 17.78.

~~A. The department shall prepare notice for all public hearings and include the following information:~~

- ~~1. The name of the applicant and, if applicable, the project name;~~
- ~~2. The street address of the subject property or a description of the property in nonlegal terms sufficient to identify the location;~~
- ~~3. For those notices which will be mailed, a vicinity map indicating the location of the subject property;~~
- ~~4. A brief description of the proposal and any provision of the zoning regulations for which an application for a variance has been made;~~
- ~~5. The deadline for comment;~~
- ~~6. The date, time, and place of the public hearing;~~
- ~~7. The right for any person to participate in the public hearing per Section 17.68.100;~~
- ~~8. Appeals of actions taken by the board of adjustment (hearing examiner — see Section 17.04.070) must be made within twenty one (21) days of the date of the hearing examiner's decision as provided in Section 2.30.130.~~

~~B. The department shall provide notice at least ten days prior to a scheduled hearing.~~

~~C. The department shall provide notice for all public hearings in the following manner:~~

- ~~1. Publishing notice of the public hearing in a newspaper of general circulation within the department;~~
- ~~2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within the following distances either from any boundary of the subject property or any contiguous property in the applicant's ownership: three hundred (300) feet for conditional use permits and one hundred (100) feet for variances. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken;~~
- ~~3. Posting the subject property with at least one notice visible from a public street.~~

SECTION 10. CODE SECTION REPEALED. Ordinance 6026, in part, as amended by Ordinance 6367, Section 12, codified as AMC 17.68.120 [Appeal of board of adjustment decision to superior court], is hereby repealed.

SECTION 11. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.68.130, is hereby amended to read as follows:

17.68.130 Time limitation on conditional use permits and variances.

A conditional use permit or variance shall become null and void if not exercised within the time limit specified or, if no time limit is specified, within three (3) years of the date of approval ~~by the board of adjustment~~ or the date of the final resolution of any appeals, whichever is later.

SECTION 12. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.68.150, is hereby amended to read as follows:

17.68.150 Performance bond required.

The ~~board of adjustment~~ hearing examiner may require a performance bond as provided in Section 17.96.140 as a condition of approval for a conditional use permit to ensure conformance with ~~it's the~~ hearing examiner's decision.

SECTION 13. CODE SECTION AMENDED. Ordinance 6026, in part, codified as AMC 17.72.090, is hereby amended to read as follows:

17.72.090 Public hearing notice. Notices for public hearings for special use and unclassified use permits shall follow the procedures established in Chapter 17.68.

~~A. The department shall prepare notice for all public hearings and include the following information:~~

- ~~1. The name of the applicant and, if applicable, the project name;~~
- ~~2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;~~
- ~~3. A vicinity map for those notices that are mailed that indicates the location of the subject property;~~
- ~~4. A brief description of the proposal;~~
- ~~5. The deadline for comment;~~
- ~~6. The date, time and place of the public hearing;~~
- ~~7. That any person has a right to participate in the public hearing as provided in Section 17.72.100;~~
- ~~8. That appeals of decisions by the city council may only be appealed within thirty (30) days of the date of the decision on the application as provided in Section 17.72.120.~~

~~B. The department shall provide notice of a scheduled public hearing at least ten days before a hearing.~~

~~C. The department shall provide notice for all public hearings by:~~

~~1. Publishing one notice of the public hearing in a newspaper of general circulation within the city;~~

~~2. Mailing notice of the public hearing to the applicant, the property owner, and each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within three hundred (300) feet of any boundary of the subject property or of any contiguous property in the applicant's and/or property owner's ownership. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken;~~

~~3. Posting the subject property with at least one notice visible from a public street;~~

~~4. Posting notice at one place visible to the public in Aberdeen City Hall~~

SECTION 14. CODE SECTION AMENDED. Ordinance 6592, Section 22, codified as AMC 17.76.010, is hereby amended to read as follows:

17.76.010 Scope – Definitions.

This chapter establishes procedures and limitations for appealing administrative decisions under Title 17, Zoning, and Chapter 14.100, Critical Area Protection, to the hearing examiner. ~~The term "appeals board" when used in this chapter shall mean the hearing examiner system established under Chapter 2.30.~~

SECTION 15. CODE SECTION AMENDED. Ordinance 6475, in part, codified as AMC 17.76.050, is hereby amended to read as follows:

17.76.050 Stay of enforcement during appeal.

The filing of an appeal stays all actions by the department from seeking enforcement or compliance against the decision being appealed; provided, however, that the department may require that the activity or use cease or be removed if its continuance would result in an imminent threat to life or property. In such an event, the stay will remain in place until a decision is reached by the hearings examiner appeals board.

SECTION 16. CODE SECTION AMENDED. Ordinance 6475, in part, codified as AMC 17.76.070, is hereby amended to read as follows:

17.76.070 Appeal criterion. The hearing examiner ~~appeals board~~ shall evaluate an appeal only as it relates to interpreting specific terms or procedures within the zoning code or critical areas ordinance and not the merits of the proposal or the property affected by the decision.

SECTION 17. CODE SECTION AMENDED. Ordinance 6592, Section 24, codified as AMC 17.76.080, is hereby amended to read as follows:

17.76.080 Public hearing notice. Notices for public hearings for appeals of administrative decisions shall follow the procedures established in Chapter 17.68.

~~A. The department shall prepare notice for all public hearings and include the following information:~~

- ~~1. The name of the appellant and, if applicable, the project name;~~
- ~~2. The street address of the subject property or a description of the property in nonlegal terms sufficient to identify the location;~~
- ~~3. A brief description of the basis for the appeal;~~
- ~~4. The date, time and place of the public hearing;~~
- ~~5. That any person has a right to participate in the public hearing as provided in Section 2.30.130;~~
- ~~6. That judicial appeals from the appeals board (hearing examiner — see Section 17.76.010) decision may be made no later than twenty one (21) days from the date of the board's final decision as provided in Section 2.30.130.~~

~~B. The department shall provide notice of a scheduled public hearing at least ten days before a hearing.~~

~~C. The department shall provide notice for all public hearings in the following manner:~~

- ~~1. Publishing notice of the public hearing in a newspaper of general circulation within the city;~~
- ~~2. Mailing notice of the public hearing to the appellant and any affected project proponent. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken.~~

SECTION 18. NEW CODE CHAPTER ADOPTED. The following chapter 17.78 is hereby added to the Aberdeen Municipal Code:

Chapter 17.78 – Public Notification

Sections

17.78.010 Purpose.

17.78.020 Public notice on administrative decisions.

17.78.030 Appeal of administrative decision.

17.78.040 Public hearing notice.

17.78.010 Purpose. The purpose of this chapter is to establish notice procedures for public hearings and administrative decisions.

17.78.020 Public notice on administrative decisions.

A. The department shall prepare a notice for administrative decisions on variance applications under Title 17 and for critical areas where another permitting action is required,

a reasonable use exception issued or a variance as described under Section 14.100.034(B). Public notices shall include the following information:

1. The name of the applicant and, if applicable, the project name;
 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 3. A vicinity map indicating the location of the subject property;
 4. A summarization of the proposal;
 5. A description of the critical area that might be affected and what is required. (Critical Areas only)
 5. The decision of the director;
 6. The deadline for comment;
- B. The department shall provide notice in the following manner:
1. Publishing within a newspaper of general circulation within the city or county;
 2. Mailing notice of the decision to the applicant, the property owner, to each person requesting such notice and to each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within the following distances, either from any boundary of the subject property or any contiguous property in the applicant's ownership: one hundred (100) feet for variances.

17.78.030 Public hearing notice.

- A. The department shall prepare notice for all public hearings and include the following information:
1. The name of the applicant or appellant and, if applicable, the project name;
 2. The street address of the subject property or a description of the property in non-legal terms sufficient to identify the location;
 3. Mailed notices shall contain a vicinity map indicating the location of the subject property;
 4. A summarization of the proposal, appeal, text or language amendment (including existing zoning designation(s), conditional use, special use or unclassified use permits. Public notices required under Section 14.100.034 shall include the decision of the director in addition;
 5. The deadline for comment;
 6. The date, time and place of the public hearing;
 7. A statement of the right of any person to participate in the public hearing;
- B. The department shall provide notice for all public hearings in the following manner:
1. Publishing within a newspaper of general circulation within the city or county;
 2. Mailing notice of the public hearing to the applicant or appellant, the property owner, to each person requesting such notice and to each person identified by the real property records of the Grays Harbor County Assessor as the owner of real property within the following distances, either from any boundary of the subject property or any contiguous property in the applicant's ownership: three hundred (300) feet for conditional use, special use and unclassified use permits, amendments and rezones and one hundred (100) feet for variances. For appeals of administrative decisions the public hearing notice to the appellant and any affected project proponent shall be mailed. Failure to receive a properly mailed notice shall not affect the validity of any testimony or the legality of any action taken;

3. Posting on the city's website; and
4. Prominently displayed at the main entrance to city hall.

SECTION 19. 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 20. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 21. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2017.

ATTEST:

Erik Larson, Mayor

Mike Folkers, Finance Director

|

|

|

|

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A REVISED SHORELINE MASTER PROGRAM UPDATE AS APPROVED BY THE STATE DEPARTMENT OF ECOLOGY.

WHEREAS, Ordinance 6958 adopted the final draft “City of Aberdeen Shoreline Master Program Update” dated May 23, 2016, and forwarded the update to the state Department of Ecology for review and approval;

WHEREAS, the Department of Ecology approved the update subject to certain required and recommended revisions, which revisions the city council adopted by a Public Works Committee Report on April 11, 2017; **NOW, THEREFORE**,

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

SECTION 1. The “City of Aberdeen Shoreline Master Program Update” dated April 12, 2017, prepared by AHBL Inc. and Herrera Environmental Consultants, and the “Shoreline Master Program Environmental Designations, Policies, and Regulations” proposed therein, which incorporate both the necessary and recommended revisions from the state Department of Ecology’s conditional approval letter of March 17, 2017, is hereby approved and adopted as the “2017 Shoreline Master Program Update” for the city of Aberdeen and shall be an amendment to the 1974 City of Aberdeen Shoreline Management Master Program and Regulations in Chapter 16.40 AMC.

SECTION 2. Ordinance 6958 is hereby repealed.

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 is curative and shall apply retroactively to April 12, 2017, immediately upon its passage, signing, and publication.

PASSED and APPROVED this ____ day of _____, 2017.

Erik Larson, Mayor

ATTEST:

Mike Folkers, Finance Director

**LEGISLATIVE DEPARTMENT
CITY OF ABERDEEN**

To: City Council
From: Personnel Committee and Mayor
Re: Request for exemption to Personnel Policy 3.20 to allow the Water Systems Division Manager to supervise the Street Department

Reports and Recommends as Follows: Mike Randich, the Water Systems Division Manager, temporarily assumed supervision of the Street Department due to the elimination of the Transportation Systems Division Manager position and a vacancy in the Assistant Public Works Director position. The Public Works Department now wants to make the temporary assumption permanent as part of the reorganization of the Department. Steve Randich, Mike's brother, is a lead worker in the Street Department and directly reported to the Assistant Public Works Director. He now directly reports to Mike Randich, his brother. Personnel Policy 3.20 prohibits relatives from supervising or auditing each other's work. Personnel Policy 1.45 provides that the city council must approve any exceptions to the policies. The Department has requested an exception to the nepotism policy because: [1] the reorganization promotes efficiency; [2] the decision was not made by or at the request of Randich; [3] the decision was based on available management personnel and the skill levels required; [4] the risk of undue influence or favoritism is minimal. The employees involved have signed the attached acknowledgement of the limited nature of the exception.

It is recommended that the City Council approve the Mayor's request for an exception to PP 3.20 for Mike Randich's supervision of Steve Randich as a result of the reorganization of the Public Works Department.

PERSONNEL COMMITTEE



Erik Larson, Chair

Reported: July 20th, 2017



Tawni Andrews, Council President

Adopted: July 20th, 2017

Jeff Cook, Member

**NEPOTISM POLICY ACKNOWLEDGMENT
LIMITED WAIVER**

Mike Randich, Water Systems Manager:

I have read the City of Aberdeen Nepotism Policy (Personnel Policy 3.20) and understand that the limited waiver approved by the city council, allowing me to directly supervise my brother, Steve Randich, does not waive any other provision of the city's nepotism policy. I understand that Personnel Policy 3.20 still prohibits favoritism in decisions about any personnel matters which may directly affect the selection, promotion, evaluation, retention, compensation, termination, and other terms and conditions of employment of an "immediate family member" as defined in the policy.

I understand it is my obligation to ensure that such decisions will not be decided based on the relationship as an "immediate family member" and to follow any directions from the Department Head designed to alleviate any pressures toward favoritism, which shall include, at a minimum, submitting for review and approval by the Department Head all personnel related decisions, employee grievances or complaints, and financial transactions involving the family member.




Mike Randich, Water Systems Manager

Date: 7-19-17

Rick Sangder, Public Works Director:

I recognize that the nepotism waiver granted by the city council is limited and requires consistent oversight to ensure that decisions related to personnel matters are not based on favoritism of an "immediate family member." I have discussed the responsibilities relating to compliance with this policy, and the terms of this acknowledgment, with the employees involved.

I recognize that I am responsible for enforcing the terms of this acknowledgement and for ensuring that alleged violations are investigated.



Rick Sangder, Public Works Director

Date: 7-19-17