

City of Kenmore
City Council Special and Regular Meeting
Minutes
June 25, 2018

CALL TO ORDER - Mayor David Baker called the special meeting to order at 6:00 p.m.

Councilmembers present:

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis (Absent)
Councilmember Debra Srebnik
Councilmember Stacey Denuski
Councilmember Brent Smith

6:00 p.m. CALL SPECIAL MEETING TO ORDER

RECESS TO EXECUTIVE SESSION

(Confidential Session of the Council)

Discussion of Potential Litigation and Litigation per RCW 42.30.110 (1) (i)

RECONVENE BACK TO REGULAR SESSION

The meeting reconvened to regular session at 7:00 p.m.

ROLL CALL

FLAG SALUTE

AGENDA APPROVAL

PRESENTATION

King County Climate Collaboration - Rachel Brombaugh, King County Energy Policy and Partnership Specialist

North Eastside Mobility Project Update - Grace A. Carlson, MBA, Transit Service Planner

CITIZEN COMMENTS

Matthew Bustad
8028 NE 178th Lane
Kenmore, Washington 98028

Mr. Bustad spoke against the plastic bag ban.

John Adamski
5906 NE Arrowhead
Kenmore, Washington 98028

Mr. Adamski spoke about a future water taxi in the City.

Elizabeth Berg
6730 NE 202nd Street
Kenmore, Washington 98028

Ms. Berg spoke about her displeasure of a potential public works facility in her neighborhood.

Court Olsen
15817 SE 26th Street
Bellevue, Washington 98008

Ms. Olsen said he was speaking on behalf of Vicki Grayland for People 4 Climate Action.

Jennifer Keller
115 – 146th Avenue SE
Bellevue, Washington 98007

Ms. Keller spoke in support of People 4 Climate Action.

Richard Lipsky
6121 NE 175th Street #A-306
Kenmore, Washington 98028

Mr. Lipsky stated he would like to see the City participate in People 4 Climate Action.

Chris Eastland
5613 NE 200th Place
Kenmore, Washington 98028

Mr. Eastland spoke about the need for an electric charging station in the City.

CONSENT AGENDA

MOTION: Councilmember Denuski made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Total Check #s 39972 through 40069 in the Amount of \$2,011,697.76.

Total Payroll/Taxes/Flexible Spending & Health Savings Account Electronic Deposits

Dated: 6/8/18 in the Amount of \$96,177.17.

Payroll Check #10092 in the Amount of \$1,029.24.

Council Meeting Minutes for May 21 & 22, 2018, May 29, 2018, June 4, 2018, June 5, 2018 and June 7, 2018

Receive and File the Financial Report for the City of Kenmore for March, 2018

BUSINESS AGENDA

Economic Development Strategy Update: Proposed Goals, Strategies and Actions – Nancy Ousley, Assistant City Manager

Assistant City Manager Ousley explained that the City of Kenmore adopted its first Economic Development Strategy in 2009 and the City Council has included implementing this plan in its top annual City Council Goals each succeeding year. This is a good point to update the Strategy, since many of the recommended actions have been or continue to be addressed, and economic conditions have changed.

Community Attributes Inc. has worked with community members and City officials in preparing an updated Strategy and briefed the Council on May 29 on current market conditions and demographics of the city and surrounding region. The consultant team prepared a profile report and an updated commercial development capacity analysis as part of this project. The proposed Goals, Strategies and Actions are meant to be a guidebook for efforts to be considered over the next five to ten years to enhance the City's economic vitality. The City Council, in its future actions on budgets and priorities, will determine how the Strategy will be implemented.

MOTION: Councilmember Smith made a motion to approve the Economic Development Strategy Update Proposed Goals, Strategies and Actions as discussed tonight, Councilmember Srebnik seconded the motion. The

motion passed 4-2-0 with Councilmember Marshall and Deputy Mayor Herbig opposed.

Staff will come back for final action on July 9.

Heavy Manufacturing Business Regulations - Bryan Hampson, Development Services Director

KMC 18.20.1676 defines “heavy manufacturing” as “an establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products that is likely to generate levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, poisons, pesticides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions that would be injurious to health or offensive to the senses, or would be an obstruction to the free use of surrounding property and essentially interfere with the comfortable enjoyment of life and property. Heavy manufacturing facilities use larger quantities of raw materials and may require significant outdoor storage. Examples include concrete manufacture, asphalt batch plants, mass production of commercial or recreational vehicles or large machinery, production of industrial organic and inorganic chemicals, animal slaughtering, and refining, extruding, rolling, or drawing of ferrous or nonferrous metals. May include NAICS Sectors 31 – 33 (Manufacturing). Also may include NAICS 54171 (Research and Development in the Physical, Engineering and Life Sciences)”.

In 2014, Council passed Ordinance No. 14-0391 which revised the zoning regulations to minimize the uses of land that impose negative externalities on persons or properties outside the property on which the negative externalities are generated. Ordinance No. 14-0391, amended the Regional Business Zone to eliminate Existing Legal Uses, prohibit new heavy manufacturing uses, and classify existing heavy manufacturing uses as Nonconforming. Prior to Ordinance No. 14-0391, Heavy Manufacturing uses were prohibited in every other zone except Regional Business. As of today, only approximately 2 – 3 nonconforming heavy manufacturing uses operate in the City. Heavy manufacturing uses have impacts on surrounding properties that are greater in scope and different in type than the impacts of other types of uses. The zoning of properties that are in the vicinity of the existing heavy manufacturing uses are include residential.

In 2015, Council passed Ordinance No. 15-0403, which controlled the noise level of heavy manufacturing uses and required heavy manufacturing businesses and activities to comply with the maximum noise levels of WAC Chapter 173-60.

City Council may determine that it is in the best interests of the residents, property owners, businesses and general public to require that nonconforming heavy manufacturing uses not be permitted to continue indefinitely, and that such uses should be terminated, discontinued and removed after a reasonable amortization period.

Washington courts hold that local governments have the authority to enact regulations that preserve, limit, regulate or terminate nonconforming uses within constitutional limits (see e.g., *Rhod-A-Zalea v. Snohomish County*, 136 Wn.2d 1, 8 (1998)).

If the City Council desires to terminate, discontinue and remove existing Heavy Manufacturing uses, Staff recommends amending the KMC to allow a 20-year amortization period and during the amortization period the nonconforming heavy manufacturing uses cannot be intensified or expanded in any way.

New Section of the KMC could read as follows:

- A. Notwithstanding any other provision of this chapter, a nonconforming heavy manufacturing use shall be terminated, discontinued and removed by no later than twenty (20) years from the effective date of this section, which is _____, 2018, in order to allow the owner to amortize the value of the heavy manufacturing use over the twenty year period. Upon the expiration of this twenty-year amortization period, the heavy manufacturing use shall cease and be removed immediately.
- B. The owner of property on which a nonconforming heavy manufacturing use is located may apply to the city manager for a single extension of the amortization period, for a period of time not to exceed ten (10) years that the property owner demonstrates is necessary in order to amortize the heavy manufacturing use.
1. The property owner submitting an application for an amortization extension period shall pay an application fee to the City in the amount established by the city council by resolution, which shall be paid to the City prior to the city manager's review of the application.
 2. The application shall be submitted on or before the expiration of the twenty-year amortization period established in subsection A above.
 3. The application must include evidence and information to establish that the heavy manufacturing use requires the requested extension period in order to be fully amortized. The property owner shall bear the burden of proof that the amortization extension period is necessary. The city manager shall consider the evidence and information submitted by the property owner but is not required to accept such evidence and information which the city manager reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the property owner to submit additional or different information for consideration, at the property owner's expense.
 4. The city manager shall grant the application if the city manager determines that the extension period is necessary to fully amortize the nonconforming heavy manufacturing use. If the city manager grants the application, the city manager may impose conditions on the continued operation of the heavy manufacturing use as necessary to mitigate the impacts of the heavy manufacturing use. The city manager's decision shall be in writing.
 5. The city manager's decision issued pursuant to this section shall be a Type 2 decision that may be appealed to the hearing examiner as set forth in KMC 19.25.092.
- C. Notwithstanding any other provision of this chapter, including but not limited to KMC 18.100.070, during the nonconforming heavy manufacturing use amortization period or any extension amortization period: (1) the nonconforming heavy manufacturing use shall not be

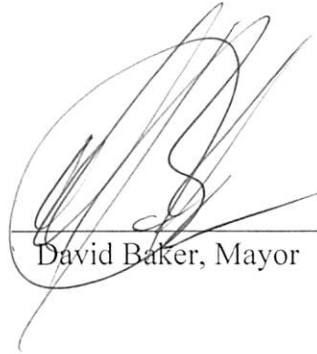
City of Kenmore - City Council Meeting Minutes
June 25, 2018

intensified or expanded in any manner whatsoever; and (2) no modification or alteration of the nonconforming heavy manufacturing use shall occur that creates a new nonconformance.

After discussion among the Council and staff, this item will come back to Council at a future meeting.

ADJOURNMENT

The meeting adjourned at 9:02 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk