



# CITY COUNCIL

## AGENDA BILL # AB22-0042

City of Algona  
200 Washington Blvd.  
Algona, WA 98001

### ITEM INFORMATION

<b>SUBJECT:</b>  Interim Ordinance 1207-22 to remove OS/CA land use designation and all actions relating to the Ordinance.	<b>Agenda Date: September 12, 2022</b>		
	<b>Department/Committee/Individual</b>	<b>Created</b>	<b>Reviewed</b>
	Mayor		
	City Administrator		X
	City Attorney		X
	City Clerk		X
	Finance Dept		
	PW/Utilities		
	Planning Dept		
	Community Services		
	Police Dept		
<b>Cost Impact:</b>	Finance Committee		
<b>Fund Source:</b>	Planning Commission		
<b>Timeline:</b>	Civil Service Committee		

**Staff Contact: Dana Parker, Deputy City Clerk**

**Attachments:**

**SUMMARY STATEMENT:**

This is the second review - Interim Ordinance to remove OS/CA land use designation and all actions relating to the Ordinance.

**COMMITTEE REVIEW AND RECOMMENDATION:**

**RECOMMENDED ACTION:**  
Second Review

### RECORD OF COUNCIL ACTION

<i>Meeting Date:</i>	<i>Action:</i>	<i>Vote:</i>

# CITY OF ALGONA, WASHINGTON

## ORDINANCE NO. 1207-22

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**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, AMENDING TITLE 22 AMC BY THE ADDITION OF A NEW CHAPTER 22.31 OPEN SPACE/CRITICAL AREAS DISTRICT THERETO; ESTABLISHING INTERIM USE AND DEVELOPMENT STANDARDS FOR PROPERTIES LOCATED WITHIN THE OS/CA ZONING DISTRICT; ADOPTING PRELIMINARY SUPPORTIVE FINDINGS; SETTING A POST-ADOPTION PUBLIC HEARING DATE; DEFINING A PRELIMINARY WORK PLAN FOR THE DEVELOPMENT AND ADOPTION OF PERMANENT AMENDMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE AND AN INITIAL ONE-YEAR TERM.**

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**WHEREAS**, the City regulates the use and development of land through the provisions codified within the Algona Municipal Code (AMC); and

**WHEREAS**, Figure 2-2 of the Algona Comprehensive Plan identifies certain areas within the City as Open Space/Critical Areas (OS/CA) on the same map as the City's formal land use designations; and

**WHEREAS**, consistent with the above Comprehensive Plan references, the OS/CA land use designation is represented on the Algona Zoning Map as a separate zoning district; and

**WHEREAS**, the original legislative intent of the OS/CA designation is unclear, because, unlike the other zoning districts established in the AMC, no use and development standards for the OS/CA designation have apparently ever been codified by the City; and

**WHEREAS**, the original legislative intent of the OS/CA designation is further unclear because the designation is not defined within the AMC or the Comprehensive Plan; because the pertinent legislative history contains no meaningful explanation of the OS/CA designation; because the relevant materials, if any, in the legislative record predate the applicable public records retention schedule(s) for such documents; and because the City's current critical areas regulations codified at AMC Title 16, Division II do not refer in any manner to the OS/CA designation or otherwise rely upon such designation as part of the City's regulatory framework for protecting critical areas; and

**WHEREAS**, the original intent of the OS/CA zone may have been to protect lands which likely contain critical areas (as shown on the City's available critical area mapping) from potentially injurious development as a temporary measure, prior to the City's promulgation and adoption of a comprehensive critical areas ordinance based upon principles of best available science pursuant to RCW 36.70A.060; and

**WHEREAS**, through the passage of Ordinance No. 1104-15 in 2015, the City adopted its comprehensive critical areas ordinance, and said regulations are now codified at AMC Title 16, Division II; and

**WHEREAS**, the addition of an OS/CA zoning district chapter in the AMC as provided by this

ordinance would serve the public interest by clarifying the use and development standards applicable to development proposals within the OS/CA zoning district while the City studies, prepares and adopts permanent zoning and land use map designations for the affected properties in conjunction with the upcoming 2024 periodic update required pursuant to RCW 36.70A.130; and

**WHEREAS**, upon adoption of the interim amendments set forth herein, any critical areas that may exist in the OS/CA zoning district would continue to be fully protected by the City's critical areas ordinance which is contained in AMC Title 16, Division II; and

**WHEREAS**, the City is authorized by state law, including without limitation RCW 35A.63.220 and RCW 36.70A.390, to adopt interim zoning ordinances; and

**WHEREAS**, the City's SEPA Responsible Official issued a determination of nonsignificance (DNS) regarding the substance of this ordinance on August 22, 2022, and no timely administrative appeals of the DNS were filed; and

**WHEREAS**, the provisions of this ordinance are consistent with and will implement the relevant provisions of the City's Comprehensive Plan, specifically including without limitation Goals NE-1 and ED-6, and Policies LUP-1.2, LUP-1.4, LUP-2.1, LUP-2.2, NE-1.1, NE-1.2 and ED-6.1; and

**WHEREAS**, the provisions of this ordinance will serve the public interest, and will enhance the efficiency and efficacy of the City's land use permit processing procedures by ensuring that applications for proposals in the OS/CA zoning district are clearly and deliberately regulated by the AMC, and that appropriate use and development standards for the OC/CA zoning district will be in effect when new project applications are submitted for properties located within said district.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALGONA DO ORDAIN AS FOLLOWS:**

**Section 1.** Findings. The City Council adopts the above recitals, as preliminary legislative findings in support of this ordinance. The Council reserves the right, in its discretion, to adopt additional findings following the public hearing scheduled under Section 3 below.

**Section 2.** Amendment of Title 22 AMC—Addition of New Chapter 22.31. Title 22 of the Algona Municipal Code is hereby amended by the addition of a new Chapter 22.31 AMC Open Space/Critical Areas District 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 3.** Public Hearing. A public hearing on the substance of this ordinance is hereby scheduled for November 14, 2022 at 7:00 p.m. in the City Council Chambers of Algona City Hall. The City Clerk is directed to provide appropriate public notice of said hearing. At the conclusion of the public hearing, the City Council may in its discretion adopt additional findings in support of this ordinance.

**Section 4.** Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5.** Work Plan. The City's Planning Commission is hereby authorized and directed to perform a comprehensive study to determine the appropriate approach for permanently designating and regulating the properties that are currently located within the City's OS/CA Zoning District. Said

study shall be performed in accordance with the following work plan:

- No later than October 31, 2022: Identify and review the location, history, ownership, current use, topography and development potential of the properties currently located within the OS/CA Zoning District.
- No later than November 30, 2022: Community meeting to solicit input from local residents and stakeholders.
- No later than February 27, 2023: Prepare and submit report to City Council summarizing results of preliminary review and public input.
- No later than April 24, 2023: Joint meeting with City Council.
- No later than June 26, 2023: Prepare proposed permanent amendments to the City's Comprehensive Plan Land Use Map and Official Zoning Map, together with corresponding text amendments as appropriate.
- No later than August 14, 2023: Public hearing on proposed amendments.
- No later than September 11, 2023: Forward report and recommendation on proposed amendments to City Council.
- No later than September 25, 2023: City Council extension of this interim ordinance to allow for the City's consideration and adoption of the proposed amendments in conjunction with the City's 2024 periodic update.

**Section 6. Effective Date; Sunset.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication. This ordinance shall sunset automatically one (1) year following its effective date unless terminated earlier or extended the City Council.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_ 20\_\_\_\_.**

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David E. Hill, Mayor

**ATTEST:**

\_\_\_\_\_  
Dana Parker, Acting City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
J. Zachary Lell  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.: 1207-22  
Date of Publication:

**Exhibit A**  
**Chapter 22.31**  
**OPEN SPACE/CRITICAL AREAS DISTRICT**

Sections:

- 22.31.010 Intent.
- 22.31.020 Uses and development standards.
- 22.31.030 Critical areas protection.

**22.31.010 Intent.**

The open space/critical areas (OS/CA) use district is intended to ensure the responsible development of properties that may contain designated open space and/or critical areas.

**22.31.020 Uses and development standards.**

A lot located within the OS/CA use district shall be governed by the uses, limitations, restrictions and development standards applicable to the city of Algona zoning district of the adjacent lot having the largest shared boundary therewith. Provided, that for any split-zoned lot located partially within the OS/CA use district and partially within a separate use district, the uses, limitations, restrictions and development standards applicable to the separate district shall govern the entire lot.

**22.31.030 Critical areas protection.**

Nothing in this chapter shall be construed as excusing compliance with all applicable requirements of AMC Title 16, Division II.