



City of Algona Council Agenda Special Meeting

January 17, 2017 – 5:30 PM

- 1. Call to Order**
- 2. Flag Salute**
- 3. Roll Call**
- 4. Approval of Agenda**
- 5. Moratorium Ordinance (1135-16):** Consideration and possible passage of an Ordinance amending the scope of the moratorium adopted by Ordinance 1135-16.
- 6. Adjournment**

**CITY OF ALGONA,
WASHINGTON
ORDINANCE NO. 1138-17**

**AN ORDINANCE OF THE CITY OF ALGONA, WASHINGTON,
RELATING TO THE MORATORIUM ON ESSENTIAL PUBLIC
FACILITIES, AND AMENDING SECTIONS 1 AND 2 OF
ORDINANCE NO. 1135-16 TO ELIMINATE AN ESSENTIAL PUBLIC
FACILITY FROM THE MORATORIUM.**

WHEREAS, on November 22, 2016, the City Council passed Ordinance No. 1135-16 (“Ordinance”), which adopted a six-month moratorium on the filing, acceptance, review and/or issuance of any permit or approval (including but not limited to conditional use permits or building permits) for the establishment, location, construction, and siting of any essential public facility (“EPF”) within the City; and

WHEREAS, Section 3 of the Ordinance scheduled a public hearing on the moratorium for January 10, 2017 at 7:00 p.m. or as soon thereafter as the business of the City Council shall permit; and

WHEREAS, the public hearing was held as scheduled on January 10, 2017, and at the conclusion thereof, the City Council continued the public hearing to February 14, 2017 at 7:00 p.m. or as soon thereafter as the business of the City Council shall permit; and

WHEREAS, in 2007, King County completed a regional, multi-year planning effort that resulted in the Solid Waste Transfer and Waste Management Plan, which recommended replacing the Algona Transfer Station with a new recycling and transfer station in the south King County area (“New Station”); and

WHEREAS, the New Station is a solid waste handling facility under the Ordinance; and

WHEREAS, the New Station is anticipated to open for business in 2021, following a construction period of approximately 24 months; and

WHEREAS, decommissioning and deconstruction of the Algona Transfer Station will occur in conjunction with the New Station; and

WHEREAS, from 2007 through July of 2012, the King County Solid Waste Division (“Solid Waste Division”) searched for and identified potential sites for the New Station in Algona, Auburn, Federal Way and Pacific; and

WHEREAS, in August of 2012 King County developed criteria for the evaluation of the potential sites; and

WHEREAS, between August and October of 2012, a Siting Advisory Committee applied the evaluation criteria to the potential sites and reduced the number of potential sites to three, one of which was 35101 West Valley Highway South, adjacent to the Algona Transfer Station ("Algona New Station Site"); and

WHEREAS, in October 2012, the Solid Waste Division issued a SEPA determination of significance for the New Station, and thereafter through the Spring of 2013 received comments on and held public meetings regarding the scope of the EIS; and

WHEREAS, in the Spring of 2014, the Solid Waste Division and the City of Algona commenced discussions regarding the impacts of and mitigation for a New Station at the Algona New Station Site; and

WHEREAS, these discussions between the Solid Waste Division and the City of Algona continued thereafter to the date of this Ordinance; and

WHEREAS, in November 2015, the Solid Waste Division issued a revised SEPA determination of significance and received comments on and held meetings regarding the scope of the EIS; and

WHEREAS, in preparing the EIS, the Solid Waste Division decided to include two action alternatives, one a New Station at 901 C Street SW in the City of Auburn, and one a New Station at the Algona New Station Site; and

WHEREAS, on February 4, 2016, the Solid Waste Division issued a Notice of Availability of the Draft EIS for the New Station, and on September 20, 2016, issued a Notice of Issuance and Availability of the Final EIS for the South County Recycling and Transfer Station (FEIS); and

WHEREAS, the FEIS evaluates the environmental impacts of siting, building and operating the New Station at both the Auburn site and the Algona New Station Site, and concludes that the Algona New Station Site is the preferred alternative; and

WHEREAS, the King County Executive will select the site of the New Station soon; and

WHEREAS, the FEIS lists the required permits and approvals for the New Station, which for the City of Algona includes a conditional use permit, a building height variance, a demolition permit, a grading and filling permit, a building permit and a vacation of street rights-of-way; and

WHEREAS, the Solid Waste Division and the City of Algona have addressed the required permits and approvals during their discussions of the New Station at the Algona New Station Site; and

WHEREAS, in light of the extensive siting and SEPA review process for the New Station over the past five years; the issuance of the FEIS based on the City of Algona ordinances and development regulations in effect prior to the adoption of the moratorium; and the City of

Algona's discussions with the Solid Waste Division regarding the New Station at the Algona New Station Site since 2014, it is reasonable, appropriate and logical to exempt the New Station from the moratorium adopted by Ordinance No. 1135-16;

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

Section 1. Amended Findings. The recitals set forth above, and incorporated herein by reference, are adopted as the City Council's additional findings in support of the moratorium imposed by Ordinance No. 1135-16, as amended by this Ordinance. To the extent that the findings adopted by Section 1 of Ordinance No. 1135-16 conflict with the findings adopted by this Section, the findings of this Section supersede or modify the findings adopted by Section 1 of Ordinance No. 1135-16.

Section 2. Amendment of Ordinance. Section 2 of Ordinance No. 1135-16 is amended to read as follows:

Moratorium. Pursuant to the City's police powers under Article XI, Section 11 of the State Constitution, RCW 35A.63.100, RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby adopts a moratorium that prohibits the filing, acceptance, review and/or issuance of any permit or approval (including but not limited to conditional use permits or building permits) for the establishment, location, construction, and siting of any essential public facility ("EPF") within the City; provided, that this moratorium shall not apply to the South County Recycling and Transfer Station Project, which is the subject of the "South County Recycling and Transfer Station Project, Final Environmental Impact Statement," dated September 2016, and issued by King County, Department of Natural Resources and Parks, Solid Waste Division. An EPF is a facility that is typically difficult to site, including the essential public facilities described in RCW 36.70A.200(1) and the EPFs described and identified in WAC 365-196-550.

Section 3. Notice of Ordinance and Continued Public Hearing. The City Administrator/Clerk Treasurer is directed to post notice of the passage of this Ordinance and of the continued public hearing on the moratorium (February 14, 2017 at 7:00 p.m., or as soon thereafter as the business of the City Council shall permit) on the City's website and on or near the door of the Council Chambers on or before January 20, 1027.

Section 4. Effective Date. 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.

PASSED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 17TH DAY OF JANUARY, 2017.

CITY OF ALGONA

Mayor David Hill

ATTEST/AUTHENTICATED:

Diana Quinn
City Administrator

Approved as to form:

Rod P. Kaseguma
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 1138-17
Date of Publication: