

# CITY OF ALGONA

## APPLICATION FOR CRITICAL AREA VARIANCE

200 Washington Blvd  
Algona, WA 98001

(253) 833.2897



<b>Application #</b>		<b>Date Received</b>	
<b>Amount Paid</b>		<b>Received By</b>	
<b>Receipt #</b>		<b>Date Complete</b>	

Algona Municipal Code 2.50.020(M) states: Each of the fees set forth in this section shall include, in addition to the specific fee set forward, actual costs incurred by the city for plan review including, but not limited to, actual costs of consulting engineers, planning consultants, architects, and other professionals deemed necessary in the discretion of the public works director, together with all other direct costs.

<b>Applicant's Name</b>					
<b>Applicant's Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Phone #</b>			<b>Email</b>		

<b>Legal Owner's Name</b>					
<b>Owner's Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Phone #</b>			<b>Email</b>		

<b>Applicant's Signature</b>					
<b>Owner's Signature</b>					

<b>Property/Address Location</b>			
<b>Acreage/Square Ft</b>		<b>Number of Lots</b>	
<b>Current Zoning</b>		<b>Current Use</b>	

**Legal Description of Property (attach if lengthy):**

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**Describe the specific use that will be developed on this property:**

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**FOR OFFICE USE ONLY**

<b>Hearing Date</b>	
<b>Notices Sent</b>	
<b>Publication Date</b>	
<b>Newspaper</b>	

<b>Comments</b>	
<b>Decision</b>	

<b>Chairman Signature</b>	
<b>Date</b>	

# INSTRUCTIONS FOR APPLYING FOR A CRITICAL AREA VARIANCE

## Submittal requirements:

1. The attached application form. Make sure all the requested information is provided and all signatures obtained.
2. A project narrative that demonstrates how the proposed use and development of the property addresses the following criteria: **(4 copies)**
  - Special conditions and circumstances exist that are peculiar to the land, the lot, or something inherent in the land, and that are not applicable to other lands in the same district.
  - The special conditions and circumstances do not result from the actions of the applicant.
  - Granting the variance requested will not confer on the applicant any special privilege that would be denied by this chapter to other lands, structures, or buildings under similar circumstances.
  - The granting of the variance is consistent with the general purpose and intent of Chapter 16.18A AMC, and will not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property.
  - The decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat.
  - The granting of the variance is consistent with the general purpose and intent of the City of Algona Comprehensive Plan Goals and Policies and adopted development regulations.
3. The application fee specified in AMC 2.50.020.
4. A critical area report meeting the requirements of AMC 16.18A.210.
5. The following supporting documents: **(4 copies)**
  - A vicinity map showing the subject property location within the City.
  - A map showing the subject property, and all parcels and their current zoning located within 300' of the subject property boundaries.
  - A description of the current use of all surrounding parcels.
  - An accurate survey delineating the subject property.
  - A detailed site plan that includes the following:
    - Property lines and lot dimensions
    - All public and private roads, and all easements, and their dimensions.
    - Existing and proposed topography shown at five (5) foot contours.
    - All major manmade and/or natural features.
    - All critical areas on and adjacent to the site, including buffers.
    - Proposed building locations, building dimensions, and setback dimensions.
    - All paved areas and parking areas, and points of ingress/egress.
    - A drainage concept, if applicable.
    - Preliminary landscape plan showing existing vegetation to be retained

and proposed landscaping.

- Schematic building plans and elevations (detailed construction drawings are not necessary).

### **Filing of Variance Application:**

1. Submit all submittal items to Algona City Hall, 200 Washington Blvd, Algona, WA, 98001.
2. An application must be determined complete before the variance request will be placed on the Board of Adjustment agenda.
3. The variance request will be scheduled for public hearing during a regular Board of Adjustment meeting. The City has 120 days to make a final decision on the request. This 120-day time limit may be extended at the request of the applicant or may be extended if additional information is requested of the applicant during the review process.
4. Modifications or changes to the application must be submitted no later than two (2) working weeks prior to the scheduled public hearing on the application.

### **Variance Review Process**

1. The City planner reviews application and submits a report with recommendations to the Public Works Director and the Board of Adjustment.
2. The Board of Adjustment holds a public hearing on the application. During the hearing:
  - a. The applicant or a representative presents the request to Board.
  - b. Comments and questions are taken from members of the public interested in the application.
  - c. Staff and applicant will respond to questions from Board as appropriate.
  - d. The Board will close the hearing and discuss the application and testimony provided.
  - e. The Board will decide to either deny the request; approve the request; or approve the request with conditions and/or modifications.
    - In granting any variance, the city may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this chapter. For example, preparation of a compensatory mitigation plan for unavoidable impacts would be required consistent with AMC 16.18A.240.
    - The city shall prescribe a time limit within which the action for which the variance is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the variance.

### **Requests for Reconsideration**

The decision by the Board of Adjustment constitutes the final decision on the variance request. Any aggrieved party may make a request for reconsideration of Board of Adjustment decision. Such a request for reconsideration must be filed with the City Clerk within ten (10) days of the notification of decision.

A request for reconsideration may be granted if it is found that: a) The application has been substantially modified; b) Irregularity in the hearing prevented a party from having a fair hearing; c) New discovered material evidence or information that could not have been reasonably produced at the hearing; or, d) Errors in law objected to in the reconsideration request by the party filing the request.

## **Appeals**

All decisions of the Board of Adjustment may be appealed by filing a land use petition in King County superior court. Such petition must be filed within twenty-one (21) days of notification of issuance of decision. The appeal shall be a closed record appeal as defined in Section 402, Chapter 347, Laws of 1995. Upon filing of a motion for reconsideration, the time for an appeals shall not commence to run until such request is denied or until notification of issuance of decision following the granting of a reconsideration request.