

CITY OF DUPONT
WASHINGTON
ORDINANCE NO. 24-1149

AN ORDINANCE OF THE CITY OF DUPONT, PIERCE COUNTY, WASHINGTON, RENEWING A LAND USE MORATORIUM AND INTERIM OFFICIAL CONTROL REGARDING DEVELOPMENT AND DESIGN STANDARDS IN THE OLD FORT LAKE SUBAREA, DMC CHAPTER 25.41; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 28, 2024, Ordinance 24-1140 extended the previous moratorium passed on November 28, 2023, in accordance with RCW 35A.63.220 and 36.70A.390 and the Council, after previously holding a public hearing on the matter, adopting a finding of fact, and continuing implementation of a land use moratorium and interim land use control; and

WHEREAS, during the moratorium period to date the Planning Director and the Planning Commission have continued to review the entirety of the OFL Subarea plan, has made substantial progress and is nearing completion of the previously determined scope of work to update the comprehensive plan, specifically the OFL Subarea plan, and develop appropriate design standards for the OFL Subarea; and

WHEREAS, the Director has contracted with consultants who are providing expertise in developing the update of the comprehensive plan to accommodate the City's goals; and

WHEREAS, the Director, along with consultants and the City Planning Commission have nearly completed their work and are preparing for the Planning Commission's proposed Sub-Area plan to be submitted for public hearing; and

WHEREAS, the City continues to coordinate and communication with the OFL Subarea property owner, the Department of Ecology, Weyerhaeuser, and other stakeholder parties as those parties work through the legal process of amending the Consent Decree and implementing an Agreed Order to remove prohibitions on the development of residential and recreation uses in the OFL Subarea; and

WHEREAS, the work of the Public Services Department, consultants, Planning Commission, and the legal process of completing and implementing the OFL Subarea Plan will require an additional four month time frame as the Planning Commission, currently, is scheduled to deliver its proposed Sub-Area plan to the Council no later than December of 2024 and the Council will need adequate time to fully review the plan and consider public input, prior to putting the matter to a vote; and

WHEREAS, the City's requirement to complete an update of its Comprehensive Plan by December of 2024 and to show available land capacity to meet its housing targets, and develop design standards for the OFL Subarea, remains and a renewal of the moratorium is necessary to continue the required work, as described above, to meet the goals established in the Council's finding of fact on February 8, 2022, July 26, 2022, January 26, 2023, June 15, 2023, November 28, 2023, and May 28, 2024; and

WHEREAS, in renewing the moratorium and interim official control the Council continues to

conclude the status quo of the relatively undeveloped condition of the OFL Subarea must be preserved, allowing the City time to complete the evaluation and development of the necessary changes to the policies set out in the Comprehensive Plan and the implementing Land Use Regulations in order to meet the City's residential needs as required by law and to review and amend design standards within the OFL Subarea, as set forth above, that will actually reflect the City's land use policies within this defined area; and

WHEREAS, the council adopts the foregoing as its finding of fact justifying the four-month renewal of the adopted moratorium and interim official control as previously enacted pursuant to RCW 35A.63.220 and 36.70A.390.

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

Section 1. Renewing the Imposition of Moratorium and Interim Official Land Use Control. The moratorium and interim official control prohibiting *any* land use development, construction, or application within the entirety of the OFL Subarea regulated by DMC Chapter 25.41, excepting existing pending, complete application within the MUV 5 subdistrict and also excepting large lot divisions pursuant to DMC 24.06.110, affecting real property within the OFL Subarea, is renewed.

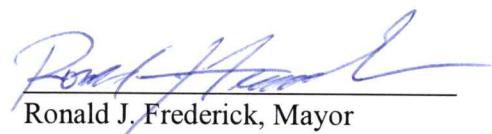
Section 2. Duration of the Interim Official Control. This interim official control remains effective for four (4) months from the effective date of this ordinance. This interim official control may be further renewed for an additional six (6) months pursuant to the requirements of RCW 35A.63.220 and 36.70A.390.

Section 3. Finding of Fact and Public Hearing. The Council adopts the findings contained in this Ordinance as its finding of fact justifying the above-described amendment to Ordinance 24-1140. Pursuant to RCW 35A.63.220 and 36.70A.390 the Council held a public hearing on this renewal of the interim official control prior to its enactment, hearing and considering both oral staff reports and public comment on this matter.

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.

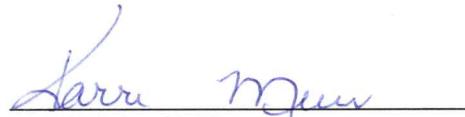
Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of DuPont Washington and approved by the Mayor on this 12th day of November 2024.



Ronald J. Frederick, Mayor

Attest:



Karri Muir, CMC

Director of Community Relations/City Clerk

Approved as to Form:



Gordon P. Karg, City Attorney

Ordinance No.: 24-1149

Published Date: 11/15/2024

Effective Date: 11/20/2024