

**CITY OF GRANITE FALLS**

**ORDINANCE NO. 750-07**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS DECLARING A MORATORIUM ON THE ACCEPTANCE OF RESIDENTIAL LONG PLAT APPLICATIONS (5 OR MORE LOTS) AND MULTI-FAMILY BUILDING PERMIT APPLICATIONS OF 5 UNITS OR MORE AS A RESULT OF INADEQUATE SEWER CAPACITY AND DECLARING THIS TO BE AN EMERGENCY ORDINANCE**

**WHEREAS**, the City of Granite Falls has been providing sewer service to residents of the City of Granite Falls; and

**WHEREAS**, the City has upgraded its sewer plant in recent years but still has limited sewer capacity; and

**WHEREAS**, present development and filed plat applications will largely utilize the current available capacity of the City sewer plant; and

**WHEREAS**, the City, through its engineers and others, has been embarking on further studies for further plant expansion; and

**WHEREAS**, the City Council has reviewed available capacity and recognizes that there will be a short fall of sewer capacity, and the City will not be able to serve new large residential plats or large multi-family developments; and

**WHEREAS**, the City desire not to accept new residential long plat applications (5 or more lots) and multi-family building permit applications of 5 units or more unless additional capacity can be identified to provide sewer services for said developments; and

**WHEREAS**, the City needs additional time to consider properly and carefully how to address the inadequate sewer capacity; and

**WHEREAS**, the City of Granite Falls has authority pursuant to RCW 35A.63.220 and RCW 36.70A.390 to enact moratoria on land use matters, and thereafter to hold a public hearing on the moratorium within sixty (60) days of the commencement of the moratorium, to preserve the status quo while considering and preparing new plans or development standards or regulations; and

**WHEREAS**, pursuant to WAC 197-11-880, the adoption of this Ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

**WHEREAS**, the City Council finds that protection of health, safety, and welfare supports the establishment of a moratorium on applications for residential long plat and multi-family buildings of 5 units or more; and

**WHEREAS**, the Granite Falls City Council has previously enacted a moratorium on the acceptance of residential long plat applications and multi-family building permit applications of 5 units or more and, subsequently, ostensibly renewed the moratorium on March 28, 2007; and

**WHEREAS**, the renewal of the Moratorium adopted by the Granite Falls City Council on March 28, 2007, was purportedly for the period of one year until March 7, 2008; and

**WHEREAS**, RCW 35A.63.220 provides for a renewal of a moratorium for the period of six months; and

**WHEREAS**, the Renewal Moratorium Ordinance No. 739-07 was not adopted by the Granite Falls City Council until after March 7, 2008, the date of expiration of the previous Moratorium Ordinance No. 722-06; and

**WHEREAS**, Granite Falls City Council has determined that the validity and enforceability of the renewal of the Moratorium Ordinance No. 739-07 on March 28, 2007, may be challenged; and

**WHEREAS**, Granite Falls City Council has determined that it would be prudent to terminate and repeal Moratorium Ordinance No. 739-07 and, simultaneously, enact and establish a new Moratorium on the acceptance of residential long plat applications and multi-family building permit applications of 5 units or more; and

**WHEREAS**, the City Council concludes that it must adopt a Moratorium concerning the acceptance and processing of residential long plat applications and multi-family building permit applications of 5 units or more as a result of inadequate sewer capacity as a temporary measure in order to study the issue of resolving the limited sewer capacity;

**WHEREAS**, the City Council finds that an emergency does exist to protect the public health, safety, and welfare; and

**WHEREAS**, the City Council hereby adopts the foregoing as its Finding of Fact relating to its adoption of this Ordinance;

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

**Section 1. Moratorium Established.** A moratorium is hereby imposed upon the filing, acceptance, or processing of applications for residential long plat applications (5 or more lots) and multi-family building permit applications of 5 units or more during the effective period of this moratorium..

**Section 2. Term of Moratorium.** The moratorium imposed in this Ordinance shall become effective immediately upon passage of this Ordinance and shall continue in effect until and including **JANUARY 16, 2008**, unless repealed, extended, or modified by the Granite Falls City Council after subsequent public hearing and entry of appropriate Findings of Fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

**Section 3. Public Hearing.** A public hearing shall be held on the adoption and continuation of this moratorium Ordinance, as required by statute on **SEPTEMBER 19, 2007**, at approximately 7:00 p.m. and appropriate written Findings of Fact shall be entered immediately thereafter.

**Section 4. Penalty for Violation.** Any person or entity violating any provision of this Ordinance shall be guilty of having committed a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed Five Thousand Dollars (\$5,000) or incarceration for a term not to exceed one year or by both such fine and incarceration, and the same is also subject to injunctive and other forms of civil relief which the City may lawfully seek.

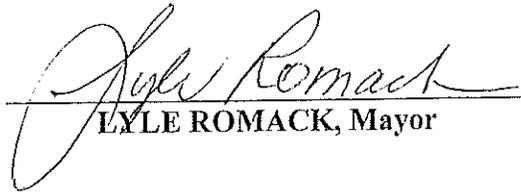
**Section 5. Repealer.** Ordinance No. 739-07 of the City of Granite Falls is hereby repealed in its entirety upon the effective date of this Ordinance.

**Section 5. Severability.** If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

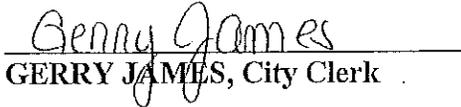
**Section 6. Effective Date.** This Ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

**Section 7. Publication and Summary.** This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

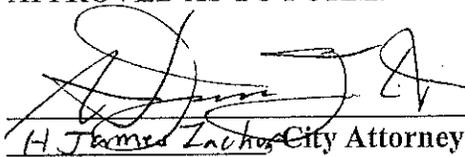
Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 1<sup>st</sup> day of August, 2007, and signed in authentication of its passage this 1<sup>st</sup> ay of August, 2007.

  
LYLE ROMACK, Mayor

ATTEST:

  
GERRY JAMES, City Clerk

APPROVED AS TO FORM:

  
H. James Zachos, City Attorney

DATE OF READING:

8-01-07

DATE OF PUBLICATION:

8-11-07

EFFECTIVE DATE:

8-01-07