

CITY OF GRANITE FALLS

ORDINANCE NO. 751-07

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON,
ADOPTING FINDINGS OF FACT AND CONTINUING 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 shortfall 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 desires 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 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 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; and

WHEREAS, on August 1, 2007, the City Council enacted 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 such Moratorium is in effect through January 16, 2008; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 provides that a City adopting a Moratorium shall adopt Findings of Fact immediately after the public hearing held within sixty (60) days of the adoption of the Moratorium; and

WHEREAS, a public hearing was held on September 19, 2007, before the Granite Falls City Council; and

WHEREAS, the Granite Falls City Council has considered any written comments and public testimony received at the public hearing, as well as materials and information presented at the public hearing; and

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

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

Section 1. Findings of Fact: The Granite Falls City Council hereby adopts the following Findings of Fact:

A. The Granite Falls City Council finds that additional time is necessary in order to review and further study and address the issue of inadequate sewer capacity.

B. The Granite Falls City Council finds that a properly filed application for development of residential long plat (5 or more lots) and multi-family buildings would grant and establish vested rights to develop the land without adequate sewer capacity.

C. The Granite Falls City Council finds that permitting such development without a determination of adequate sewer capacity is not desirable and the City needs additional time to review and for construction of planned upgrades to its sewer plant.

D. The Granite Falls City Council finds that protection of the health, safety, and welfare supports the establishment of a moratorium on the acceptance of residential long plat applications (5 or more lots) and multi-family building permit applications of five units or more.

E. The Granite Falls City Council finds and concludes it must continue the moratorium concerning the acceptance of residential long plat applications (5 or more lots) and multi-family building permit applications of five units or more to avoid possible applications establishing vested rights contrary to and inconsistent with the public health, safety, and welfare.

F. The Granite Falls City Council finds that an emergency does exist to protect the public health, safety, and welfare.

Section 2. Recitals and Findings of Fact Incorporated. The recitals are set forth in this Ordinance, and the recitals and findings of fact contained in Ordinance No. 750-07, adopted August 1, 2007, are incorporated as if fully set forth herein and are hereby adopted as additional Findings of Fact to the extent they are not inconsistent with the Findings of Fact adopted in Section 1 of this Ordinance.

Section 3. Continuation of Moratorium. Based on the Findings of Fact adopted in Section 1 and 2 above, the Granite Falls City Council hereby determines that it is necessary for the Moratorium enacted in Ordinance No. 750-07 to remain in effect for the entire 180-day period as set forth in Ordinance No. 750-07. Accordingly, the Moratorium shall not expire until midnight on January 16, 2008, unless the Moratorium is shortened or extended by action of the Granite Falls City Council.

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. 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 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.

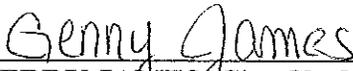
Section 7. Publication and Summary. This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls by a majority, plus one of the whole membership of the City Council on the 19th day of September, 2007, and signed in authentication of its passage this 19th day of September, 2007.



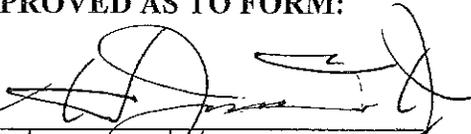
LYLE ROMACK, Mayor

ATTEST:



GERRY JAMES, City Clerk

APPROVED AS TO FORM:



H.J. Zachor, City Attorney

DATE OF READING:

September 19, 2007

DATE OF PUBLICATION:

September 19, 2007

EFFECTIVE DATE: