

CITY OF GRANITE FALLS

ORDINANCE NO. 770-08

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON,
RENEWING A MORATORIUM ON THE INITIATION OF DEVELOPMENT
PROJECTS AND FILING OR ACCEPTANCE OF APPLICATIONS FOR
BUILDING PERMITS, AND APPROVALS FOR OR RELATED TO THE PLAT OF
GRANITE PARK (DIVISION 1 AND DIVISION 2).**

WHEREAS, the Plat of Granite Park (Division 1 and Division 2) are within the city limits of Granite Falls; and

WHEREAS, the Plat of Granite Park (Division 1 and Division 2) are located adjoining the Pilchuck River; and

WHEREAS, the Plat of Granite Park (Division 1 and Division 2) have recently experienced substantial flooding; and

WHEREAS, the land use regulations currently in effect in the City may not provide sufficient regulations to address potential flooding in the Plat of Granite Park (Division 1 and Division 2); and

WHEREAS, the City Council of Granite Falls finds it necessary to prepare and develop revised regulations that respond to the concern and address the flooding of the Plat of Granite Park (Division 1 and Division 2); and

WHEREAS, Washington State's permissive Vested Rights Doctrine allows many land use applications to vest early in the application process to the existing land use regulations; and

WHEREAS, applications for building permits if allowed will vest in inadequate regulations while the City studies the changes needed in those regulations, undermining effective City planning; and

WHEREAS, Snohomish County and the City participates in the National Flood Insurance Program (NFIP) administered by the federal government through the Federal Emergency Management Agency (FEMA); and

WHEREAS, FEMA has not established flood plain elevations in the area of Granite Park (Division 1 and Division 2); and

WHEREAS, FEMA on June 13, 2007 advised the City that the preliminary flood insurance rate maps issued to Granite Falls on September 29, 2006 may contain significant inaccuracies associated with the flood plain boundaries; and

WHEREAS, rather than proceeding to the Letter of Final Determination (LFD), FEMA intends to pause the process for approximately one year in order to provide time for these inaccuracies to be addressed; and

WHEREAS, the City desires not to accept new building permit applications or other related permits until an adequate flood plain elevation is established; and

WHEREAS, the City needs additional time to consider properly and carefully the regulations necessary to address the flood issues in the Plat of Granite Park (Division 1 and Division 2) and the information to be developed by FEMA; and

WHEREAS, the City of Granite Falls received documentation and final flood map for Paradise Lane from Snohomish County; and

WHEREAS, on or about August 17, 2007, the City of Granite Falls was advised that Snohomish County has confirmed that all contours shown are correct based upon the model; and

WHEREAS, the documentation and flood map for Paradise Lane provided by Snohomish County is insufficient in detail to receive FEMA certification for base flood (100-year flood) elevation; and

WHEREAS, the City will need to review and determine whether or not to engage the services of a hydraulics firm to complete a more extensive analysis; and

WHEREAS, the City needs to review and study the insurance coverage available with a Homeowner's Policy if there is no FEMA certification of the base flood elevation; 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 and regulations; and

WHEREAS, on September 17, 2007, the City Council re-enacted a moratorium on the initiation of development projects and filing or acceptance of applications for building permits, and approvals for or related to the Plat of Granite Park (Division 1 and Division 2), and the public hearing required by RCW 35A.63.220 was held within sixty (60) days, and such moratorium was continued on November 7, 2007 and is therefore in effect through September 17, 2008; and

WHEREAS, a FEMA representative appeared before the City Council on March 5, 2008 and gave an overview and presentation reviewing the City's options; and

WHEREAS, on August 6, 2008, the City Council approved a proposal from Gray & Osborne for the completion of the application to revise the Pilchuck Floodplain Area Elevation documents;

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

Section 1. Recitals and Findings of Fact Incorporated. The Recitals set forth in this Ordinance, and the Recitals and Findings of Fact dated September 3, 2008, adopted simultaneously herewith and attached hereto are incorporated as if fully set forth herein and hereby adopted as additional Findings of Fact.

Section 2. Moratorium Renewed. The moratorium established by Ordinance No. 752-07 and continued through the City Council's previously adopted findings and conclusions is hereby renewed and imposed upon the initiation of development projects and filing or acceptance of applications for building permits, and approvals for or related to the Plat of Granite Park (Division 1 and Division 2).

Section 3. Term of Moratorium. The moratorium established by Ordinance No. 752-07 shall be renewed and be in effect until and including March 17, 2009, unless repealed, extended or modified by the City Council after subsequent public hearing and entry of appropriating findings pursuant to RCW 35.63.220 and 36.70A.390.

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 \$5,000.00 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 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.

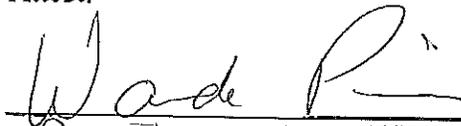
Section 6. Effective Date. This Ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace, shall be effective immediately upon its passage.

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

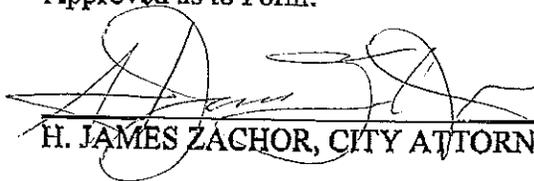
Said Ordinance was passed in open session by the City Council of the City of Granite Falls by a majority plus one of the whole membership of the City Council on the 3 day of September, 2008, and signed in authentication of its passage this 3 day of September, 2008.


LYLE ROMACK, MAYOR

Attest:


Deputy Clerk

Approved as to Form:


H. JAMES ZACHOR, CITY ATTORNEY

DATE OF FIRST AND FINAL READING:

9-3-08

DATE OF PUBLICATION:

EFFECTIVE DATE:
