

CITY OF GRANITE FALLS

ORDINANCE NO. 763-08

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 properly and carefully consider 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 and 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, the Moratorium enacted on August 1, 2007 was intended to be extended by the City of Granite Falls but was inadvertently allowed to lapse on January 16, 2008; and

WHEREAS, on February 6, 2008, the City Council of Granite Falls adopted Ordinance No. 762-08 enacting a new Moratorium on the acceptance of residential long plat applications (5 or more lots) and multi-family building permit applications of 5 units or more and set a public hearing for March 19, 2008; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 provide 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 March 19, 2008, 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) or multi-family buildings (5 or more units) 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 that 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 5 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 5 units or more to avoid possible establishment of 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 set forth in this Ordinance, and the recitals and Findings of Fact contained in Ordinance No. 762-08, adopted February 6, 2008, 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 Sections 1 and 2 above, the Granite Falls City Council hereby determines that it is necessary for the Moratorium enacted in Ordinance No. 762-08 to remain in effect for the entire 180-day period as set forth in Ordinance No. 762-08. Accordingly, the Moratorium shall not expire until midnight on August 6, 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.

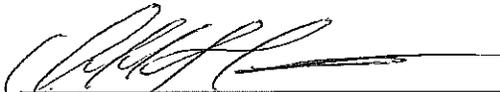
Section 6. Effective Date. This Ordinance, passed by a majority-plus-one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

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

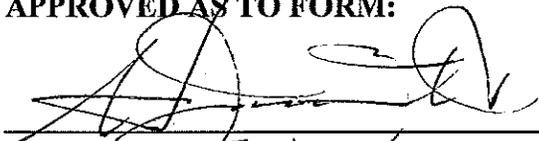
Said Ordinance was passed in open session by the City Council of the City of Granite Falls by a majority-plus-one of the whole membership of the City Council on the 19th day of March, 2008, and signed in authentication of its passage this 19th day of March, 2008.


LYLE ROMACK, Mayor

ATTEST:


LOTTA HINES, City Clerk

APPROVED AS TO FORM:


H. James Zachar, City Attorney

DATE OF FIRST AND FINAL READING: March 19, 2008

DATE OF PUBLICATION: _____

EFFECTIVE DATE: March 19, 2008