

**City of Stevenson
Ordinance No. 2023-1198**

AN ORDINANCE RELATED TO NEW CONSTRUCTION, EXPANSION, OR REPLACEMENT OF PRIVATE SEWAGE DISPOSALS SYSTEMS IN THE URBAN RESERVE ON THE CITY OF STEVENSON COMPREHENSIVE PLAN FUTURE LAND USE MAP AND ON PROPERTY LINES WITHIN 300 FEET OF PUBLIC SEWER AND PURSUANT TO RCW 35A.63.220 AND OTHER APPROPRIATE AUTHORITY AUTHORIZING A MORATORIUM ON FURTHER NEW CONSTRUCTION, EXPANSION, OR REPLACEMENT OF PRIVATE SEWAGE DISPOSALS SYSTEMS IN THE URBAN RESERVE ON THE CITY OF STEVENSON COMPREHENSIVE PLAN FUTURE LAND USE MAP AND ON PROPERTY LINES WITHIN 300 FEET OF PUBLIC SEWER AS MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, the City of Stevenson is in the process of upgrading the City's wastewater treatment plant, as directed by Administrative Order #14221, incurring over \$10.6M of new debt for the City; and

WHEREAS, the City currently allows new construction on private septic systems if the structure will be more than 300 feet from the public sewer system; and

WHEREAS, there are over 200 water customers using a private septic system and multiple developable lots outside of the current requirement to connect to the public sewer system; and

WHEREAS, the City is reviewing SMC Chapter 13.08 Sewer and Pretreatment on behalf of the existing rate payers within the City to add more users to the City's system and encourage future development in line with the City of Stevenson Comprehensive Plan; and

WHEREAS, a moratorium on further filing and processing of applications for the new construction, expansion or replacement of private sewage disposal systems within the Urban Reserve or those property lines within 300 feet of public sewer is necessary while the City completes its review of the appropriate public sewer connection standards, or otherwise mitigates the impact of City systems; and

WHEREAS, the Stevenson City Council finds the City's ability to preserve the look and feel of the City as outlined in the adopted Comprehensive Plan will be jeopardized unless this moratorium is authorized; and

WHEREAS, the Stevenson City Council finds the authorization of this moratorium is necessary to protect the health, welfare, safety and future economic viability of the City; and

WHEREAS, RCW 35A.63.220 provides, "A council or board that adopts a moratorium or interim zoning control, without holding a public hearing on the proposed moratorium or interim zoning control, shall hold a public hearing on the adopted moratorium or interim zoning control

within at least sixty days of its adoption, whether or not the council or board received a recommendation on the matter from the commission. If the council or board does not adopt findings of fact justifying its action before this hearing, then the council or board shall do so immediately after this public hearing. A moratorium or interim zoning control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium or interim zoning control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal"; and

WHEREAS, RCW 36.70A.390 provides, "A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, RCW 35A.63.220 or RCW 36.70A.390, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal"; and

WHEREAS, moratoria and interim zoning control enacted under RCW 35.99.050, RCW 35A.63.220 or RCW 36.70A.390 are methods by which local governments may preserve the status quo so new plans and regulations will not be rendered moot or frustrated by intervening development; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 both authorize the enactment of a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing; and

WHEREAS, the Stevenson City Council will hold a duly advertised public hearing on September 21, 2023, to consider public comment concerning the authorization of such moratorium; and

WHEREAS, the Stevenson City Council finds the best interests of the City would be served if such a moratorium was authorized.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STEVENSON, STATE OF WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A six (6) month moratorium is hereby imposed on accepting applications for new construction, expansion, or replacement of private sewage disposal systems within the Urban

Reserve as identified on the City of Stevenson Comprehensive Plan Future Land Use Map (SMC 17.11.010) or if the property line is within 300 feet of the public sewer system as of August 24, 2023.

Section 2. The moratorium imposed pursuant to Section 1 above may be extended for one or more additional six (6) month periods in the event a work plan or further study determines such extension is necessary or to determine what further policies and procedures related to future new single-family residence applications will best serve the purposes of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 4. Corrections. Upon the approval of the City Attorney, the City Manager is authorized to make any necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Publication. This ordinance shall be published by an approved summary consisting of the title as provided by RCW 35A.12.160.

Section 6 Effective date. This ordinance shall become effective following passage and publication as provided by law.

ADOPTED this 24th day of August, 2023.

CITY OF STEVENSON

Scott Anderson, Mayor

ATTEST:

Leana Kinley, Clerk

APPROVED AS TO FORM:

Robert C. Muth, City Attorney