



# City of Stevenson

## Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO:** City Council  
**FROM:** Ben Shumaker  
**DATE:** July 15<sup>th</sup>, 2021  
**SUBJECT:** Zoning Code Amendment – Trade Districts Code Update

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### **Introduction**

This memo addresses the City Council request to discuss whether/how properties outside of city limits should be allowed to connect to City utility services. The memo presents several policy questions, and asks the City Council for guidance on how these policy questions should be addressed. This discussion is funded through a \$25,000 grant from the Washington Department of Commerce aimed to increase residential building capacity.

### **What is being Discussed?**

After verbal presentation of this topic and discussion at its May, 2021 meeting, the Council requested to review three options related to the provision of City utilities beyond city limits. The options are presented in discussion draft format in Attachment 1 and include:

- Maintain the status quo or defer decision (Black Text)
- Allow new connections on existing public mains (Red Text)
- Allow new connections and new public mains (Red and Blue Text)

### **Why Discuss this?**

Three fundamental conclusions have been reached by recent studies:

- 1) Growth is expected,
- 2) Residential growth is expected to occur at a faster rate than that seen in the preceding 10 years, and
- 3) The type of housing necessary to accommodate residential growth differs from that being provided by the market.

Implications of these studies' first 2 conclusions pressure the City's provision of services at-large and its provision of utility services specifically. This discussion relates specifically to the pressure to provide water and sewer utilities to areas outside of city limits. Implications of all 3 conclusions pressure the community to cope with its values in the face of change. Planning Commission discussions are underway which address some components of these pressures.

At the same time, persistent anecdotal evidence is repeatedly heard by City staff that new developments outside city limits are unable to demonstrate availability of productive water sources and existing developments water sources are inadequate to provide year-round water supply.

### **What Additional Information would Assist this Discussion?**

Upon request, City staff is prepared to provide the following information to assist the Council's discussion:

- A summary of the 2019 Water System Plan's analysis of capacity
- A summary of the 2017 General Sewer Plan and Wastewater Facilities Plan analysis of capacity

- A synthesis of the growth projections used in the water plan, the sewer plan, the 2019 Stevenson Residential Market Analysis, and the 2020 Skamania County Housing Needs Analysis.
- Other information as requested.

**When should a Decision be made on this Discussion?**

To satisfy the grant deliverable, Attachment 2 has been submitted to the Department of Commerce for reimbursement. At the time of this writing (June 30<sup>th</sup>, 2021), reimbursement for this deliverable has not been received, however the decision timeline, not the decision itself is the deliverable. An inability to meet this timeline may delay staff work on other projects but is acceptable if necessary.

**Who should be Involved in this Discussion?**

To ensure the discussion draft changes incorporates public input and occurs within a manageable timeline, the City Council is asked to review the following and select the public involvement strategies that best fit this effort. The options below are general in nature and available for selection during any amendment process.

<b>Public Involvement Strategy</b>		
<b>Public Hearing:</b> City Council hearing prior to adoption of amending ordinance	<b>Legal Notice in Paper:</b> Two notices published not less than 8 days before City Council public hearing Optional- Additional notices published as needed	<b>Planning Commission Recommendation:</b> Planning Commission review for consistency with Comprehensive Plan and implementing ordinances
<b>Task Force:</b> A small group convened to provide direct guidance and input from highly affected stakeholder groups	<b>Special Meeting/Workshop:</b> Special meeting designed to allow stakeholders to get into deeper detail on a draft ordinance	<b>Survey/Questionnaire:</b> Questionnaire designed to solicit specific and general feedback on the topic and/or draft ordinance
<b>Press Release:</b> Press release in paper more fully explaining City's intent and/or progress Optional- Press release soliciting specific and general feedback on the topic and/or draft ordinance	<b>Iterative Workshops:</b> A series of special meetings designed to allow stakeholders to provide policy guidance on the evolving draft ordinance.	<b>Other Tool:</b> -Additional engineering analysis -Site visits -Joint City/County workgroup

**What Else is being Done?**

Attachment 3 summarizes recommendations of the 2020 Skamania County Housing Needs Analysis, the draft Downtown Plan for SUCCESS!, and other topics related to increasing residential building capacity. The attachment was originally prepared for the Planning Commission and evaluates the status of actions in that context.

**Next Steps**

At the conclusion of this meeting, staff will initiate the requested public involvement strategies and prepare staff-draft amendments for consideration during the public involvement phase. The Planning Commission should expect to see this topic again on its September meeting agenda.

Prepared by,

Ben Shumaker  
Community Development Director

Attachment

1. Discussion Draft Ordinance
2. Project Adoption Schedule
3. Increasing Residential Building Capacity-Concept Status

## Chapter 13.16 – WATER SERVICE

### 13.16.010 – Required Use of City Water.

[No change]

(Ord. No. 2019-1137, § 1, 2-21-2019)

### 13.16.020 – Refusal to Connect—Connection by City—Cost Assessment—Lien.

[No change]

(Ord. No. 2019-1137, § 1, 2-21-2019)

### 13.16.030 – Reserved.

[No change]

(Repealed by Ord. No. 2017-1110, § 2)

### 13.16.040 – Service Outside City Limits.

Upon written application to the city, surplus water from the city's water system shall be made available to ~~applicants residing developments~~ outside the municipal limits of the city upon the following conditions:

A. The applicant shall have filed with the city ~~petition in proper form an agreement with the city, which conditions the provision of the service on the following terms:~~

1. ~~Calling for an election to vote upon the annexation of the subject property pursuant to RCW 35A.14.020; or The agreement shall be recorded against the property in the Skamania County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property. Failure to record said document shall not invalidate the agreement.~~
2. ~~Calling for the annexation of the subject property pursuant to RCW 35A.14.120, and said petition shall have been denied. The owner of the property, who shall also warrant that he/she is authorized to enter into such agreement, shall execute the agreement.~~
3. ~~The owner shall agree to pay all costs of design, engineering and construction of the extension, which shall be accomplished to city standards and conform to plans approved by the city engineer. The owner shall also pay the costs of plan review and construction inspection pursuant to the city's fee schedule.~~
4. ~~The owner shall secure and obtain at the owner's sole cost and expense, all permits, easements and licenses necessary to construct the extension or connection.~~
5. ~~The owner shall agree to dedicate all water facilities constructed as part of the water extension (such as water main lines, pump stations, wells, meters and boxes, etc.), at no cost to the city, upon the completion of construction, approval and acceptance by the city. Additionally, utility easements over these facilities shall be dedicated to the city.~~
6. ~~The owner shall agree to pay the connection charges set by the city in SMC Chapter 13.10 (as that chapter now exists or may hereafter be amended), as a condition of connecting to the city water system. Such connection charges shall be calculated at the rate schedules applicable at the time of actual connection.~~
7. ~~The owner shall sign a no protest agreement for annexation of the property to the city in a form acceptable to the city.~~

- ~~8. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an LID or ULID for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such LID or ULID.~~
- ~~9. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property.~~
- B. ~~The applicant shall be the owner of a residence existing as of the date of the ordinance codified in this section located outside the city limits which would be benefited by the use of city water.~~
- C. The property on which the residence is situated shall be contiguous to an existing city—owned water main.
- D. The applicant shall agree to pay in advance all costs of installing and maintaining a water line from the nearest existing city water line to the residence to be served.
- E. The ~~residence development~~ to be served shall be ~~served approved for service~~, at the time of application, by either a septic system ~~approved at the time of application by the Southwest Washington Health District conforming to local health district standards~~ or a municipal sewer system.
- F. The applicant shall agree at the time of application to the immediate termination of water supply by the city at any time that the city determines that a surplus of water no longer exists.
- G. The applicant shall agree at the time of application to the termination of water supply by the city at any time, upon thirty days' notice in writing, for any reason other than the nonexistence of a surplus of water.
- ~~H. The applicant shall verify in writing, under oath, that no other source of potable water is available for the residence to be benefited.~~
- I. Public Water Construction.
  1. No person shall construct, extend or connect to any public water line without first obtaining a written permit from the City. The provisions of this section requiring permits shall not be construed to apply to contractors constructing water facilities under contracts awarded and entered into by the City.
  2. The application for a permit for public water construction shall be accompanied by complete plans, profiles and specifications complying with all applicable ordinances, rules and regulations of the City. Prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by an authorized representative of the City who shall within 10 days approve them as filed or require them to be modified to demonstrate compliance.
  3. All water work plans, specifications and construction procedure shall conform to City standards and regulations.
  4. Prior to issuance of a permit for public water construction, the applicant shall furnish to the City a performance bond, or cash deposit in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit, and, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one year from the date of acceptance of the work by the City.
  5. Except as provided, the extension of the public water facilities to serve any parcel or tract of land shall be done by and at the expense of the owner. The size of all water mains and other water facilities shall be as required by the City. An installer of a water line who is required by the City to install water facilities larger than that required for the site development, to accommodate other users, will be

reimbursed by the City for the difference in cost between the size of the water facilities and that which would be required for the site development.

6. Where special conditions exist in the opinion of the City relating to any reimbursement agreement pursuant to the provisions of this section, the City may, either in addition to or in lieu of any of the provisions of this section, authorize a special reimbursement contract between the City and the person or persons constructing public water facilities. Such special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

(Ord. 778, 1981)

**13.16.050 – Cross-Connections and Backflow Devices.**

[No change]

(Ord. 955 §§1, 2, 1999)



Attachment 3 – Scope/Status of Potential Amendment

Potential Amendment Topic	Status
2020 Skamania County Housing Needs Analysis	
Expand Accessory Dwelling Unit Flexibility Allow Duplexes in R1 Align Zoning with Water/Sewer Plans & Improvements Consolidate R2 & R3 Districts  Reduce Minimum Lot Size in R2, R3, & CR Districts  Permit Senior Housing Options in R3 Conditionally Permit Senior Housing Options in R2 Permit Live/Work Spaces in C1 District Allow Lot Size Averaging  Reduce Setbacks  Increase Maximum Lot Coverage  Develop Shadow Platting Requirements Rezone Areas near Frank Johns Road, Loop Road, Vancouver Avenue, School Street Allow Utility Extension Beyond City Limits Subject to Annexation Agreements Jointly Plan with Skamania County through an Intergovernmental Agreement Perform City/County Fiscal Analyses of Annexation Jointly Pursue Funding for Utility Extensions Identify Publicly-owned Properties Suitable for Housing Acquire Tax-Delinquent Properties Pursue Community Land Trust Develop Regional [Wetland] Mitigation Banking Lobby Legislature for Homestead Taxation Authority	Not Considered Not Considered Being Discussed Being Discussed Adopted (R3/CR) Being Discussed (R2) Considered, Rejected Not Considered To Be Discussed Adopted Adopted (R3) Being Discussed (R2) Adopted (R3) Being Discussed (R2) To Be Discussed Being Discussed Being Discussed Not Considered Unrelated to Zoning Unrelated to Zoning Unrelated to Zoning Unrelated to Zoning Unrelated to Zoning Unrelated to Zoning Unrelated to Zoning
Draft Downtown Plan for SUCCESS!	
Establish Sub-Zones within Downtown Area to Guide Location of Housing Reduce Residential Parking Requirements Conditionally Approve Parking Reductions for Senior and Affordable Housing Conditionally Approve Other Parking Reductions Develop Fee-in-Lieu of On-Site Parking Requirements Incentivize Mixed-Use via Parking Reductions Reduce Parking for Food Service Uses & Retail Stores Expand Off-Site Parking Options for Hotels Develop Shared Parking Lots Improve Walking/Biking Routes to Shared Parking Lots Expand Options for Joint-Use of Parking Agreements Facilitate Innovation through Bikeshares, Employee Cash-out Programs, etc. Establish Minimum Densities for new Housing Development	To Be Discussed Adopted Adopted Adopted Adopted Adopted Adopted Adopted Future Discussion Future Discussion Adopted Not Considered To Be Discussed
Others (Incomplete List of Planning Commission-,Public- & Staff-Led Topics)	
Expand R2 & R3 Near Schools  Protect Pedestrians Near Driveways  Align Loop Road & Frank Johns Road Zoning with Comprehensive Plan Rezone Split-Zoned Parcels	Being Discussed Adopted (R3) Being Discussed (R2) Being Discussed Being Discussed