

**CITY OF STEVENSON
RESOLUTION 2018-323**

**ADOPTING FINDINGS OF FACTS SUPPORTING WASTEWATER MORATORIUM
RENEWAL ORDINANCE**

WHEREAS, the City Council for Stevenson, Washington unanimously approved Wastewater Moratorium Ordinance No. 2018-1120 on May 17, 2018; and

WHEREAS, the City has not resolved the issues requiring the moratorium and has determined that a one-year extension is needed; and

WHEREAS, RCW 35.63.200 requires a City to conduct a public hearing and adopt Findings of Fact supporting the moratorium prior to renewal; and

WHEREAS, a public hearing was conducted on November 15, 2018, at a regular public meeting and the public and staff gave testimony concerning the wastewater moratorium.

NOW THEREFORE, the City Council of the City of Stevenson, Washington, does hereby resolve as follows:

The City Council of the City of Stevenson adopts the following findings of fact:

1. On April 7, 2017, the Washington State Department of Ecology issued a Notice of Violation for the City of Stevenson Wastewater Treatment Plant stating that the City has exceeded its design criteria for five (5)-Day Biochemical Oxygen Demand (BOD5) or Total Suspended Solids (TSS) on twenty-one (21) occasions, exceeded effluent limits for TSS or Fecal Coliform on five (5) occasions and has not submitted a plan for Maintaining Adequate Capacity (a copy of the notice is attached as Exhibit A);
2. On July 6, 2017, the City received an Administrative Order (attached as Exhibit B) from the Department of Ecology outlining actions for the City to take which include limiting new industrial connections;
3. On November 16, 2017, the City approved a wastewater moratorium which expired on May 15, 2018;
4. On May 17, 2018, the City approved a new wastewater moratorium which will expire on November 17, 2018;
5. The City's treatment plant does not have adequate capacity to treat the wastewater for its existing connections due to excessive BOD5 and TSS loading;
6. Adding more commercial wastewater connections would further stress the City's wastewater treatment plant BOD5 and TSS loading and further impair the City's ability to meet current customer's wastewater needs;
7. The City has worked with the Department of Ecology to enact ordinances to reduce loading and is working with current users on a path forward to reduce BOD5 loading at the plant;
8. The City is working with the Department of Ecology to construct facilities to increase the City's wastewater treatment capacity by improving the current wastewater treatment plant. Construction is expected to be completed at the end of 2021;

9. There is a significant demand for new wastewater connections to allow property development within the City and its wastewater service area;
10. The City may allow commercial wastewater connections as long as they create effluent that is no stronger than domestic strength or install pretreatment facilities to limit effluent strength to domestic levels since commercial development and job creation is in the public's best interests;
11. The Wastewater Moratorium Ordinance will provide the City time to do the following:
 - a. Perform a feasibility study on alternatives to the current Facilities Plan;
 - b. Design wastewater treatment plant improvements;
 - c. Secure funding for the necessary improvements;
 - d. Construct wastewater treatment plant improvements.
12. Without a Moratorium, the City may be subject to moratorium imposed by the Washington State Department of Ecology that may be broader in scope, perhaps even including residential connections.

Passed by a vote of _____ at the regular city council meeting of November 15, 2018.

Scott Anderson
Mayor of Stevenson

Leana Kinley
Clerk Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich
City Attorney