

**City of Stevenson
Ordinance No. 2018-1124**

AN ORDINANCE RELATED TO SHIPPING CONTAINERS IN THE CITY OF STEVENSON, AND PURSUANT TO RCW 35A.63.220 AND OTHER APPROPRIATE AUTHORITY AUTHORIZING A MORATORIUM ON FURTHER SHIPPING CONTAINER SITINGS AND APPLICATIONS FOR SHIPPING CONTAINER SITINGS AS MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, the City of Stevenson finds the need to regulate zoning and design standards for the siting and installation of shipping containers for uses other than storage; and

WHEREAS, the City is in the process of reviewing its zoning and design standards to address this issue, which will take time; and

WHEREAS, a moratorium on further filing and processing of applications for the siting and installation of shipping containers is necessary while the City completes the review of the appropriate zoning and design standards for this land use, or to otherwise mitigate its impacts; and

WHEREAS, the Stevenson City Council finds that the City's ability to preserve the look and feel of the city will be jeopardized unless this moratorium is authorized; and

WHEREAS, the Stevenson City Council finds that 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 that, "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 that, "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 that 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 shall hold a duly advertised public hearing on July 19, 2018, to consider public comment concerning the authorization of such moratorium; and

WHEREAS, the Stevenson City Council finds that 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 or permitting the siting of shipping containers within any Trade District (SMC Ch. 17.25) or Residential District (SMC Ch. 17.15) or the Rock Cove Corridor (SMC Ch. 17.23). As the term is used herein, "shipping container" shall mean a standardized prefabricated steel, aluminum or plastic structure constructed for use in intermodal freight shipping.

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 that such extension is necessary or to determine what further policies and procedures related to future shipping container siting 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. Effective date/Emergency. This ordinance affects life, health and safety shall become effective on an emergency basis upon passage by approval of a majority plus one of council members.

ADOPTED this 21st day of June, 2018.

CITY OF STEVENSON

Scott Anderson, Mayor

ATTEST:

Leana Johnson, Clerk

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney