

**City of White Salmon
Ordinance No. 2009-05-836**

AN ORDINANCE RELATED TO WATER CONNECTIONS THE CITY OF WHITE SALMON'S WATER SERVICE AREA, AND PURSUANT TO RCW 35A.63.220 AND OTHER APPROPRIATE AUTHORITY AUTHORIZING A MORATORIUM ON FURTHER WATER CONNECTIONS AND APPLICATIONS FOR WATER CONNECTIONS AS MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, the City of White Salmon ("City") received a letter dated May 6, 2009 from the Washington State Department of Health ("DOH"), stating that the City has inadequate water supply and insufficient water rights to supply adequate water for new water connections both within the City and in areas of the County served or potentially served by City water; and

WHEREAS, the City is in the process of accessing a former water source from Buck Creek that has the capacity to solve the City's water source problems, but the City must first build a filtration plant and reservoirs; and

WHEREAS, DOH has asserted in its letter that the City must also obtain additional water rights, and the City is in the process of establishing adequate water rights during the construction of the Buck Creek water source; and

WHEREAS, a moratorium on further filing and processing of applications for water connections is necessary while the City completes the construction of the Buck Creek water source and the City acquires adequate water rights; and

WHEREAS, the White Salmon City Council finds that the City's ability to plan for utility service and urban growth will be jeopardized unless this moratorium is authorized; and

WHEREAS, the White Salmon 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 35.63.200 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 35.63.200 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 35.63.200 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 by intervening development; and

WHEREAS, RCW 35.63.200 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, RCW the White Salmon City Council shall hold a duly advertised public hearing on June 17, 2009, to consider public comment concerning the authorization of such moratorium; and

WHEREAS, the White Salmon 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 WHITE SALMON, STATE OF WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. A six (6) month moratorium is hereby imposed on accepting new requests for water connection to be placed on the City's waiting list and on issuing water meters to those on the City's waiting list for water service inside and outside its corporate boundaries that otherwise would have been authorized under said section. This moratorium does not apply to water connections to the City of Bingen water system pursuant to an Interlocal Agreement to supply water to properties within the City of Bingen's pressure zone along State Highway 14.

Section 2. This moratorium shall only apply to new requests for water connection to be placed on the City's waiting list and on issuing water meters to those on the City's waiting list made after the effective date of this ordinance.

Section 3. 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 water connection applications will best serve the purposes of the City.

Section 4. 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 5. Emergency Ordinance. 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.

ADOPTED this 20th day of May, 2009.

CITY OF WHITE SALMON

David Poucher, Mayor

ATTEST:

Lori Kreps, Clerk/Treasurer

PUBLISHED:

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney