



**CITY COUNCIL MEETING
AGENDA**

March 20, 2024

7:00 PM

Civic Center

The Granite Falls City Council will hold it's meeting in person. Comments in this meeting are encouraged and may be e-mailed to the city clerk in advance on the meeting or given in person.

Pages

- 1. CALL TO ORDER (Via In Person & Online Via Zoom)**
- 2. FLAG SALUTE**
- 3. ROLL CALL**
- 4. CONSENT AGENDA**
 - 4.a AB 031-2024 Approval of March 6, 2024 Minutes** 3
 - 4.b AB 032-2024 Approval of claims checks #414128 through 414174 totaling \$165,969.25** 8
 - 4.c AB 033-2024 Approval of February 16, 2024 through February 29, 2024 payroll claims checks #27555 through 27558 and Twenty-Three EFT's totaling \$119,983.50** 9
- 5. STAFF REPORTS**
 - 5.a 03/20/2024 City Clerk Report** 10
 - 5.b 03/20/2024 Community Planning Development Report** 12
 - 5.c 03/20/2024 Deputy City Manager/Passport Office Reports**
 - 5.d 03/20/2024 Public Works Report**
- 6. PUBLIC COMMENTS/RECOGNITION OF VISITORS-NON-ACTION ITEMS**

(The public is encouraged to submit written comments prior to the meeting by emailing them directly to the city clerk at: darla.reese@ci.granite-falls.wa.us; and should be submitted no later than 5PM. Public comment speakers can sign up prior to the meeting, or wait for the public comment section of the meeting to be open by the presiding officer. Individual comments shall be limited to three minutes. Group comments shall be limited to five minutes).

 - 6.a AB 034-2024 Public Hearing - 7:10 PM, or soon thereafter** 13

For consideration of Ordinance No. 1050-2024 an interim ordinance of the City of Granite Falls, Washington. Extending for six months a previous six month moratorium on filing with and processing by the city of applications for development activities requiring connection to the city's

sewer system and ratifying ordinances, 1015-2021, 1024-2022, 1032-2022, 1039-2023, 1043-2023 and chapter 19.12.010 relating to concurrency determinations and sewer connections within the city with exceptions; declaring an emergency; providing for severability; and establishing an effective date.

7. NEW BUSINESS

8. CURRENT BUSINESS

9. MAYOR'S COMMENTS (5 minutes)

10. COUNCIL COMMENTS (15 minutes)

11. CITY MANAGER (5 minutes)

12. ADJOURNMENT

the City of Granite Falls strives to provide access and services to all members of the public.

CITY COUNCIL MEETING MINUTES

**March 6, 2024
7:00 PM
Civic Center**

City Council	Councilmember Hartman, Councilmember Griggs, Councilmember FitzGerald, Councilmember Straughn
Members Absent:	Councilmember Glenn
City Staff	Darla Reese, City Clerk, City Manager Brent Kirk, Jeff Balentine, Deputy City Manager, Community Development Director Jensen
Consultants	Consultant City Attorney Thom Graafstra

1. CALL TO ORDER

Mayor Hartman called the City Council Meeting to order at 7:00 pm.

2. FLAG SALUTE

Mayor Hartman led the Council, Staff and Audience in the Pledge of Allegiance to the flag.

3. ROLL CALL

Motion to excuse Councilmember Glenn due to work obligations.

Moved by: Councilmember Hartman

Seconded by: Councilmember Griggs

Carried

4. CONSENT AGENDA

Motion to approve consent agenda.

Moved by: Councilmember Griggs

Seconded by: Councilmember Straughn

Carried

- 4.a **AB 025-2024 Approval of February 21, 2024 Minutes**
- 4.b **AB 026-2024 Approval of March 6, 2024 claims checks #414096 through 414127 and Three EFT's totaling \$1,278,507.75**
- 4.c **AB 027-2024 Approval of February 1, 2024 through February 15, 2024 payroll claims checks consisting of Nineteen EFT's totaling \$69,775.87**

5. STAFF REPORTS

5.a 03/06/2024 Community Planning Development Report

Community Planning Development Director Jensen gave an update on the following items:

- Comprehensive plan review with the Planning Commission
- Introduced Loren Tonsgard
- New start time for Planning Commission meetings is 6:30 pm

5.b 03/06/2024 City Clerk Report

City Clerk Reese had no comments.

5.c 03/06/2024 Deputy City Manager/Passport Office Reports

Deputy City Manager Balentine discussed the following items:

- Wastewater Treatment Plant project
- Passport update
- Financial dashboards (closed out February)

5.d 03/06/2024 Public Works Report

City Manager Kirk gave a public works update on the following items:

- Suncrest Farms pump problems (flush valve issue)
- Wastewater Treatment Plant project
- Park lighting and closed circuit televisions at Jim Holm Park (getting bid)
- H&H Market project update
- McDaniel's project update
- Galena Street project update
- Stanley Street Sidewalk project update
- Public works filled potholes

- Traffic light has been fixed (Jordan/Stanley)
- Website update

6. PUBLIC COMMENTS/RECOGNITION OF VISITORS-NON-ACTION ITEMS

Allison - Arlington

Allison is an advocate for communication boards all over Snohomish County. These boards help kids that struggle to communicate.

7. NEW BUSINESS

7.a AB 028-2024 Public Hearing - 7:10 PM, or soon thereafter

Motion to open the public hearing

Moved: Councilmember Straughn

Seconded: Councilmember Griggs

Result: Carried

City Clerk Reese submitted the following Exhibits into the record:

Exhibit 1 - Public Hearing Notice dated February 23, 2024, 1 page

Exhibit 2 - Verification of Public Hearing Posting dated February 23, 2024, 1 page

Exhibit 3 - Affidavit of Publication from the Everett Daily Herald dated February 26, 2024

Exhibit 4 - Resolution 2024-01, 40 pages

Exhibit 5 - Draft Master Fee Schedule Showing Mark-Ups, 36 pages

City Manager Kirk reviewed the following proposed changes to the Resolution:

- Page 10 (Building Codes Adopted) - change reference to Ordinance 1049-2023 (Adopting the 2021 International Building Codes) along with the updated 2021 years added
- Page 22 (Sewer General Facility Connection Charges-GFC) updated to include AADU (Attached Accessory Dwelling Units) & DADU (Detached Accessory Dwelling Units) utility connection charges/fees
- Page 23 (Monthly Sewer Service Rate) fee only applies to commercial
- Page 28 (City System Water Connection Fee/General Facility Charge) added reference to the DADU/AADU
- Page 29 (Set Up Fee For New Utility Accounts) Added a fee of \$50.00

Mayor Hartman opened the public testimony portion of the public hearing.

No one from the audience signed up, and no records received via email or mail by the City Clerk.

Mayor Hartman closed the public testimony portion of the public hearing.

Motion to close the public hearing

Moved: Councilmember Griggs

Seconded: Councilmember Straughn

Result: Carried

Motion to approve Resolution 2021-01, a resolution of the City of Granite Falls establishing, setting and imposing fees due to the City allowed by law and city code and updating and amending certain fees in a revised 2024 Master Fee Schedule to be effective: March 6, 2024; ending the effective date of all prior resolutions of the city setting and imposing fees and confirming the absence of vesting in any fee of the city.

Moved: Councilmember Straughn

Seconded: Councilmember Griggs

Result: Carried

7.b AB 029-2024 Consideration of Adoption of Ordinance No. 1049-2024, Adopting the 2021 International Building Codes

Motion to adopt Ordinance No. 1049-2024, an Ordinance of the City of Granite Falls, Washington, amending Title 15 of the Granite Falls Municipal Code, adopting the 2021 Amendments to the State Building Codes, establishing penalties for noncompliance and providing for severability and effective date.

Moved by: Councilmember Griggs

Seconded by: Councilmember Straughn

Carried

7.c AB 030-2024 Consideration of Approval of Resolution 2024-02 - Approving Property Purchase of 20013 Gun Club Road

Motion to approve Resolution No. 2024-02, A Resolution of the City of Granite Falls, Washington, approving the purchase and sale agreement, authorizing the delivery of funds to closing, and authorizing the city manager to sign all documents for the city to acquire the property.

Moved by: Councilmember Griggs

Seconded by: Councilmember Straughn

Carried

8. CURRENT BUSINESS

There were no Current Business items on the agenda.

9. MAYOR'S COMMENTS (5 minutes)

Mayor Hartman discussed the following items:

- Meeting with Nate Nehring and City Manager Kirk (online)
- AWC opening on Board of Directors (left information with City Clerk Reese)
- Initiatives listed in today's paper that became law in 30 days (citizen backed initiatives)
- Three other initiatives set to be on the ballot in November
- WWTP is included in the 2024 funding bill (still needs a Senate vote)

10. COUNCIL COMMENTS (15 minutes)

Councilmember Griggs shared his feelings on the loss of Washington State Patrol Trooper Gadd. His son worked along side Trooper Gadd.

Councilmember Straughn had no comments.

Councilmember FitzGerald had no comments.

11. CITY MANAGER (5 minutes)

City Manager Kirk had no comments.

12. ADJOURNMENT

Mayor Hartman adjourned the meeting.

City Clerk Darla Reese, MMC

Mayor Matthew Hartman



CITY COUNCIL AGENDA BILL

Subject: AB 032-2024 Approval of
March 20, 2024 claims checks
#414128 through 414174 totaling
\$165,969.25

Meeting Date: March 20, 2024

Date Submitted: March 20, 2024

Originating Department: Deputy City Manager

Action Recommended:

Approval of consent agenda

Clearances:

☒ City Manager

☐ Police

☐ Public Works

☐ Attorney

Exhibits:

☐ Engineering

☐ Planning

Budgeted Amount:

001 Current Expense = \$23,573.00

101 Streets = \$9,694.68

401 Water = \$49,240.28

403 Sewer = \$72,068.88

405 Storm Drainage = \$10,571.69

630 Trust Agency = \$820.72

☒ **Other:** Deputy City Manager

Summary Statement:

Claims are for March 7, 2024 through March 20, 2024.

Background:

N/A

Recommended Motion:

- 1) Motion to approve the claims as presented. This can be accomplished as part of the motion to approve the consent agenda.
- 2) Motion to amend the [state date] claims and approve the minutes as amended.



CITY COUNCIL AGENDA BILL

Subject: AB 033-2024 Approval of February 16, 2024 through February 29, 2024 payroll claims checks consisting of Twenty-Three EFT's totaling \$119,983.50

Meeting Date: March 20, 2024

Date Submitted: February 29, 2024

Originating Department: Deputy City Manager

Action Recommended:

Approval of consent agenda

Exhibits:

Budgeted Amount:

001 Current Expense = \$53,302.39

101 Streets = \$9,153.46

401 Water = \$19,061.56

403 Sewer = \$33,569.10

405 Storm Drainage = \$4,896.99

Clearances:

☐ City Manager

☐ Police

☐ Public Works

☐ Attorney

☐ Engineering

☐ Planning

☐ Other: _____

Summary Statement:

Payroll claims are for February 16, 2024 through February 29, 2024.

Background:

N/A

Recommended Motion:

- 1) Motion to approve the payroll claims as shown. This can be accomplished as part of the motion to approve the consent agenda.
- 2) Motion to amend the [state date] payroll claims and approve the minutes as amended.

City Clerk Staff Report March 20, 2024

Business Licenses (outside City):

Snohomish County Dumpster Rentals LLC
11729-81st Ave. NE
Marysville, WA 98271
Equipment rental, solid waste disposal

Prime Septic LLC
844 Panorama Ridge
Mount Vernon, WA 98273
Septic tank pumping, septic tank services

Incredibars (Desynadinos, Tasha Anna)
21013 Menzel Lake Road
Granite Falls, WA 98252
Bakery, retail & wholesale

McDowell Northwest Pile King, Inc.
18905-84th Ave. S.
Kent, WA 98032
Piling contractor

Overhead Innovations, LLC
16537 Vail Loop SE
Rainier, WA 98576
Overhead door-install, repair

Building Permits Issued:

ABCMCDANIEL, LLC *Building Permit #2024-006*
9504 Jordan Rd.
Installation of HVAC per plans including (8) rooftop package units with economizers, (2) exhaust fans

Charlene Webb *Building Permit #2024-013*
316 S. Kentucky Ave.
Residential Forced Air Furnace

ABCMCDANIEL, LLC *Building Permit #2024-015*
9504 Jordan Rd.
Installation of 9-foot-high monument sign

City Clerk Absence:

I am off to the Washington Municipal Clerk's Conference in Yakima, WA along with Becky the week of March 18th.

Memo

To: City Council
From: Eric Jensen, Community Development Director
CC: City Manager Brent Kirk
Date: March 14, 2024
Re: **Community Development Report to City Council**

Here is a summary of some recent activity in Community Development:

- A few permits and other planning-related applications were reviewed and approved this week including site plan review and signs in addition to a number of developer inquiries into possible land use actions now and into the future.
- Work continues on preparing draft chapter updates for all Comp Plan elements. I am next turning attention to finalizing the draft Economic Development Element chapter. Also, the draft Transportation Element chapter was transmitted to the Planning Commission for early review last week.
- This week's Planning Commission meeting included a review and discussion over the draft Housing Element chapter and its associated Housing Needs Assessment data appendices. Great input was received by the Commissioners. That information will be incorporated into the revised draft documents.
- I have now transmitted to the Planning Commission the draft Capital Facilities Element chapter as well as the newly separated out Utilities Element chapter (they were previously combined) to allow for early preliminary review in preparation for the April Planning Commission meeting.
- We are working with the Planning Commission to establish a series of individual interviews with folks familiar with possible racial disparity issues out in the community and the region. This will help us to address the State mandated work for the updated comp plan that requires an evaluation of regulations and administrative practices to be free of discriminatory or restrictive standards in housing.



CITY COUNCIL AGENDA BILL

Subject: AB 034-2024 Public Hearing – 7:10 PM, or soon thereafter

Meeting Date: March 20, 2024

Date Submitted: March 20, 2024

Originating Department: City Manager

Action Recommended:

Public Hearing

Clearances:

☒ City Manager

☐ Police

☐ Public Works

☐ Attorney

Exhibits:

Exhibit 1 – Public Hearing Notice, dated March 8, 2024

Exhibit 2 – Verification of Public Hearing, dated March 8, 2024

Exhibit 3 – Proposed Ordinance No, 1050-2024

☐ Engineering

☐ Planning

☐ Other: _____

Budgeted Amount:

Summary Statement:

Due to a limited capacity at the City's Wastewater Treatment Plant (WWTP) and the continued demand for development of new residential units in the City limits, Staff has drafted an ordinance for an interim six-month moratorium on new sewer connections with the following exclusions:

- 1) A single-family residence on a single building lot
- 2) A duplex (2-unit) residence on a single building lot
- 3) Any commercial development in the General Commercial, Central Business District, or Industrial zones subject to available capacity at the time of complete application submittal.

No applications will be accepted for any other development projects while the moratorium is in place. This moratorium would be in effect for six months. The City has been awarded a loan from the Department of Ecology and has accepted a bid from Harbor Pacific Contractors in the amount of \$31,420,800. Bid award was approved by the City Council on September 20, 2023 and construction of the WWTP upgrade is underway. The project will address new discharge permit requirements for water quality as well as additional capacity to accommodate projected future growth targets through year 2044. The City estimates that this project will be completed within 18 months, at which time the sewer moratorium can be lifted. The City may elect to lift the moratorium at some point prior to the completion of the plant upgrade to allow time for application submittals to be processed and approved for construction on the upgrade. The upgrade is 100% complete and online.

As the City deals with the high flows from the wastewater system in the fall and winter months, WWTP staff has ongoing concerns about the amount of influent flows being more than 100% of the allowed amount in our current permit, which happened several times last year and became more frequent last winter with all the new housing that has come online in the last three years. The management and disposal of the biosolids created from the additional flows has also increased significantly, resulting in a project 400% increase in dry tons hauled off from 2020 to 2023. This is in addition to the ongoing compost processing currently handled on site and hauled off by City Staff to disposal sites.

The WWTP contract allows for 455 working days to complete and is thus anticipated to be complete in Spring to Summer of 2025. If high flows continue to be an issue throughout the construction timeframe, the City may choose to further limit the exclusions currently listed in this Ordinance.

Background:

The City has been in a sewer moratorium since April 11, 2018. This will be the thirteenth 6-month moratorium imposed by the City. The new ordinance updates the needs of the city as it relates to the restriction of development until the Wastewater Treatment Plant can be upgraded for additional capacity and to meet the new permit regulations for water quality to accommodate future residential growth.

Recommended Motion:

*After close of public hearing

Motion to adopt Ordinance No. 1050-2024 and authorize Mayor to sign.



GRANITE FALLS

City of Granite Falls
215 S. Granite Avenue / P.O. Box 1440
Granite Falls, Washington 98252

P 360/691-6441
F 360/691-6734
www.ci.granite-falls.wa.us

Exhibit 1, page 1 of 1

PUBLIC HEARING NOTICE

City of Granite Falls
MARCH 20, 2024
7:10 p.m., or soon thereafter

BEFORE THE GRANITE FALLS CITY COUNCIL

NOTICE IS HEREBY GIVEN THAT on Wednesday, the 20th Day of MARCH, 2024, at 7:10 p.m., or soon thereafter, a public hearing will be held by the Granite Falls City Council for consideration of Ordinance No. 1050-2024 an interim ordinance of the City of Granite Falls, Washington. Extending for six months a previous six-month moratorium on filing with and processing by the city of applications for development activities requiring connection to the city's sewer system and ratifying ordinances, 1015-2021, 1024-2022 and 1032-2022, 1039-2023, 1043-2023 and chapter 19.12.010 relating to concurrency determinations and sewer connections within the city with exceptions; declaring an emergency; providing for severability; and establishing an effective date.

Any person may appear at the hearing and may comment on the proposed revenue sources. If you are unable to attend the public hearing in person, you may submit your written comments by 4:00 p.m., March 20, 2024, to the attention of the City Clerk at Granite Falls City Hall, 215 S Granite Avenue, Granite Falls, WA, 98252, in order for your comments to be considered as part of the formal record. Additional information may be obtained at City Hall from 8:30 a.m. to 5:00 p.m. by calling 360-691-6441.

GRANITE FALLS CITY COUNCIL

Darla Reese, MMC, City Clerk

Dated this 8th day of March 2024.

Notice – All Proceedings of this meeting are sound recorded



Exhibit 2, page 1 of 1

VERIFICATION OF PUBLIC HEARING POSTING
FOR CONSIDERATION OF ORDINANCE NO. 1050-2024 –
SEWER MORATORIUM

I, Darla Reese, City Clerk for the City of Granite Falls, WA hereby certifies the Notice of Public Hearing for the Granite Falls City Council was posted in three public places as described below. This Public Hearing will be held on Wednesday, March 20, 2024, at 7:10 p.m., or soon thereafter, online via Zoom meeting online and in person.

City Hall, 215 South Granite Avenue by: Darla date: 3/8/2024

Granite Falls Public Library, 815 East Galena Street by: TL date: 3/8/2024

Granite Falls Post Office, 205 East Stanley Street by: TL date: 3/8/2024

Emailed to the media parties of record

by: Darla date: 3/8/2024

Certified this 8th day of March, 2024

Darla Reese
By Darla Reese, MMC, City Clerk

**CITY OF GRANITE FALLS,
WASHINGTON**

ORDINANCE NO. 1050-2024

AN INTERIM ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, EXTENDING FOR SIX MONTHS A PREVIOUS SIX-MONTH MORATORIUM ON FILING WITH AND PROCESSING BY THE CITY OF APPLICATIONS FOR DEVELOPMENT ACTIVITIES REQUIRING CONNECTION TO THE CITY'S SEWER SYSTEM AND RATIFYING ORDINANCES 1021-2022, 1024-2022, 1032-2022 AND 1039-2023 AND CHAPTER 19.12.010 RELATING TO CONCURRENCY DETERMINATIONS AND SEWER CONNECTIONS WITHIN THE CITY WITH EXCEPTIONS; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's sewer system has capacity limitations while the City is experiencing an unprecedented amount of residential development and some commercial development;

WHEREAS, the estimated number of remaining sewer connections available in the City may not exceed 75 as of the date of this Ordinance;

WHEREAS, the City needs to insure that some sewer connections remain to address hardships;

WHEREAS, commercial development is important to the City and may provide critical tax revenues;

WHEREAS, the City needs to insure that some sewer connections remain for commercial development with the City;

WHEREAS, if the City's waste water treatment plant is at full capacity there is a risk of adverse impacts and consequences to public health, safety, welfare and property within the City;

WHEREAS, both federal and state law recognize that local governments have broad police powers to impose measures addressing local issues where the measure "promotes public safety, health or welfare and bears a reasonable and substantial relationship to accomplishing the purpose pursued" and the measure does not conflict with the general law of the State (quoting *Weden v. San Juan County*, 135 Wn.2d 678, 700 (1998));

WHEREAS, Washington law recognizes that imposition of development moratoria and interim regulation is within this police power granted to local governments under article XI, section

11 of the Washington State Constitution (“While no positive grant of authority exists under the SMA to impose a moratorium, such an explicit grant is not required in the face of Washington Constitution article XI, section 11’s broad delegation of police power to the local governments.” *Biggers v. City of Bainbridge Island*, 162 Wn.2d 683, 704 (2007) (Opinion of Justice Chambers “concurring in result”), and Washington courts have historically upheld moratoria on a variety of grounds (see, e.g.: *Jablinske v. Snohomish County*, 28 Wash.App. 848, 626 P.2d 543 (Div. 1 1981), *Matson v. Clark County Bd. of Com'rs*, 79 Wash. App. 641, 647-48, 904 P.2d 317, 320 (Div. 2 1995), and *Ord v. Kitsap County*, 84 Wash. App. 602, 929 P.2d 1172 (Div. 2 1997));

WHEREAS, Federal law precedent recognizes that imposition of development moratoria or interim regulation is within the broad police power granted to local governments, and that such regulation or moratoria are important and useful tools to manage land development and growth, and to allow time for thoughtful and proper planning, as well as to deal with emergent and unforeseen situations (“moratoria, or ‘interim development controls’ as they are often called, are an essential tool of successful development,” *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002), and temporary planning moratoria provide local governments with “an important land-use planning tool with a well-established tradition,” *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 216 F.3d 764, 777 (9th Cir. 2000));

WHEREAS, the State Legislature has expressly authorized cities like the City of Granite Falls to adopt interim regulations or a moratorium for up six months, which can be renewed, or up to one year pursuant to a work plan, pursuant to RCW 35.63.200 (the State Planning Enabling Act), RCW 35A.63.220 (authorizing non-charter code cities to enact interim regulation or moratoria), and RCW 36.70A.390 (authorizing interim regulation or moratoria as part of the GMA);

WHEREAS, and additionally, under RCW 35A.11.020 and RCW 35A.21.160 code cities such as the City of Granite Falls have all the powers which any city or any class may have consistent with the state constitution and not specifically denied to code cities by law;

WHEREAS, due to the above-described circumstances, it is requested that the City Council declare that a public emergency exists and that a six (6) month moratorium be imposed and extended regarding the filing and processing of applications for certain development activities within the City limits in order to ensure that the sewer system capacity within the City is not exceeded which could result in significant adverse impacts and consequences to public health, safety, welfare and property;

WHEREAS, due to the above-described circumstances, it is further requested that interim regulation, and a six (6) month moratorium be imposed and extended with regard to the connection to the City’s sewer system with exceptions in order to ensure that the sewer system capacity within the City is not exceeded which would result in significant adverse impacts and consequences to public health, safety, welfare and property;

WHEREAS, the City recognizes that large amounts of money can be spent in the development process long before application for a building permit is made;

WHEREAS, by Ordinance 945-2018 interim regulations and moratoria to address the City's limited wastewater capacity were imposed;

WHEREAS, the 2018 interim regulations and moratoria were extended by Ordinances 957-2018, 964-2019, 971-2019 and 984-2020;

WHEREAS, by Ordinance 992-2020 interim regulations and moratoria to address the City's limited wastewater capacity were re-imposed;

WHEREAS, by Ordinance 1006-2021 the interim regulations and moratoria of Ordinance 992-2020 were extended;

WHEREAS, the interim regulations and moratoria expired but the underlying conditions related to the capacity of the City's wastewater plant remain;

WHEREAS interim regulations and a moratorium were reestablished by Ordinances 1015-2021 and 1024 – 2022 which after public hearing were ratified by the City council;

WHEREAS the interim regulations related to concurrency were codified as Section 19.12.010 when adopted by Ordinance 1021-2022;

WHEREAS by Ordinance 1032-2022 the moratorium was readopted

WHEREAS, a state of emergency has been in effect in the State of Washington since March 2020 to deal with the corona virus (COVID 19) has now ended;

WHEREAS, improvements to the City's wastewater plant have been made but capacity has not been increased;

WHEREAS, the City was recently awarded a \$34,195,800.00 loan from the Washington State Department of Ecology approved by the State Legislature effective July 1, 2023 for the construction of the Wastewater Treatment Plant (WWTP) Upgrade;

WHEREAS, the engineering design of the WWTP Upgrade is 100% complete and has been approved by the Department of Ecology as part of the loan requirements;

WHEREAS, the City went out to bid for the construction of the WWTP Upgrade in the summer of 2023, but rejected all bids, and a modified rebid was conducted on August 30, 2023, with the low bidder, Harbor Pacific, Inc, providing a bid of \$31,420,800.00 on September 7, 2023. The City Council approved the contract with Harbor Pacific, Inc on September 20, 2023 and notice to proceed with construction was delivered to the contractor on November 24, 2023. Construction is currently ongoing and the project is expected to be complete by the end of 2025, providing additional capacity needed to accommodate future projected residential growth through 2044;

WHEREAS, the City Council finds that it is in the interest of the public health, safety, welfare and economic viability of the City of Granite Falls to ratify, extend and confirm the interim

regulation and impose a six (6) month moratorium on the filing and processing of applications for certain development activities within the City limits with exceptions and to presently limit further connections to the City sewer system within the City in order to ensure that the sewer system capacity within the Area is not exceeded, and further finds an emergency justifying immediate adoption of the interim regulation and moratorium without prior notice.

WHEREAS, the City Council finds that a public emergency continues with the lack of capacity for connection to the City's wastewater treatment facilities;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of the interim regulation and moratorium is to temporarily suspend additional demands on the capacity of the sewer system in the City and to withhold certain concurrency determinations finding capacity except as allowed in Section 1 of Chapter 19.12 Granite Falls Municipal Code.

Section 2. Findings of Fact. The above "Whereas" clauses constitute findings of fact in support of the interim regulation and moratorium established by this Ordinance and said findings are fully incorporated into this Ordinance.

Section 3. Public Hearing. A public hearing concerning this Ordinance and the existing interim regulation in Section 19.12.010 GFMC and the moratorium imposed by this Ordinance is set for March 20, 2024.

Section 4. Ratification and Extension of GFMC 19.12.010 interim regulations on concurrency. The interim regulations on concurrency set out in Section 19.12.010 adopted by Ordinance 1021-2022 are hereby readopted, ratified and extended for the period set out in Section 11 below.

Section 5. Moratorium on Development Activities Established. Subject to the exemptions provided GFMC 19.12 and the variance process adopted in said section, a moratorium is hereby established and extended, effective immediately upon the adoption of this Ordinance, upon the filing of and processing by the City of new applications for the following development activities within the City of Granite Falls:

- a. Short plats;
- b. Subdivisions;
- c. Planned residential developments;
- d. Binding Site Plans;
- e. Administrative development plans;
- f. Shoreline permits, including but not limited to shoreline substantial development permits and shoreline conditional use permits;
- g. Building permits for nonexempt commercial buildings, industrial buildings, multi-family residential buildings, single-family residential buildings and/or accessory uses thereto and any other building or structure;

- h. Conditional use, special use or unclassified use permits;
- i. Annexations, except those for municipal purposes;
- j. Rezones, except those initiated by the City and those associated with comprehensive plan amendments; and
- k. Any other development activities not exempt under GFMC 19.12 that would result in increased sewer usage and/or increased demands on the sewer system within the City.

Section 6. Moratorium on Connections to City Sewer System. Subject to the exemptions provided in GFMC 19.12 and the variance process adopted in GFMC 19.12 a moratorium is hereby established, and extended effective immediately upon the adoption of this Ordinance, upon any affirmative concurrency determinations and any further connections to the City sewer system for development activities that are not exempt under GFMC 19.12.

Section 7. Interpretation of Ordinance. The City Engineer shall have authority to interpret and provide written interpretations of this Ordinance upon request. Application for such an administrative interpretation of this Ordinance shall be in writing and filed with the City Engineer together with a filing fee as established by resolution of the City Council. Each administrative interpretation of this Ordinance shall be considered on a case-by-case basis, and shall not create any vested rights or be construed as setting precedent for any subsequent application or request.

Section 8. Declaration of Emergency. Based on the recitals set forth above, and in recognition that the sewer capacity within the City is at or almost at its capacity and that new sewer connections and/or increased sewage flow/usage could likely overwhelm the sewer system within the City and thereby poses an unacceptable risk to the public health, public safety, the public welfare, and/or public property, the City Council hereby declares that a public emergency exists necessitating that this Ordinance take effect immediately upon passage of this Ordinance by a majority plus one of the whole membership of City Council.

Section 9. No Special Duty Created. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular individual, class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

No provision or term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers, agents, or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary and not mandatory.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees, or agents.

Section 10. Severability. Should any section, paragraph, sentence, clause and/or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional, illegal or otherwise invalid for any reason by a court of competent jurisdiction, or should any portion of this Ordinance be preempted by state or federal law or regulations, such decision or

preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 11. Effective Period of Interim Regulations and Moratorium. The interim regulations and moratorium established by this Ordinance shall become effective as set forth in Section 12 below and shall continue in effect for six (6) months thereafter unless repealed, renewed, or modified by the City Council after a subsequent public hearing and entry of findings of fact.

Section 12. Effective Date. As a public emergency exists, this Ordinance shall take effect immediately upon passage by an affirmative vote of the City Council.

Section 13. Publication. This Ordinance shall be published by an approved summary which shall consist of the title of the Ordinance.

ADOPTED by the City Council and **APPROVED** by the Mayor this ____ day of _____, 2024.

CITY OF GRANITE FALLS

By: _____
Matthew Hartman, Mayor

ATTEST/AUTHENTICATED:

By: _____
Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:

By: _____
Thom H. Graafstra, City Attorney
Emily Guildner, City Attorney

Date of Publication: _____

Effective Date: _____