

City of Stevenson
Ordinance No. 2019-1139

AN ORDINANCE RELATED TO SINGLE-FAMILY RESIDENCES IN THE C1 ZONE OF THE CITY AND PURSUANT TO RCW 35A.63.220 AND OTHER APPROPRIATE AUTHORITY REVISING A MORATORIUM ON FURTHER NEW CONSTRUCTION OF SINGLE-FAMILY RESIDENCES AND APPLICATIONS FOR NEW CONSTRUCTION OF SINGLE-FAMILY RESIDENCES AS MORE PARTICULARLY SET FORTH HEREIN.

WHEREAS, the City of Stevenson finds the need to regulate zoning standards for new construction of single-family residences (SFR) within the Commercial C1 zone; and

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

WHEREAS, a moratorium on further filing and processing of applications for the new construction of SFRs is necessary while the City completes the review of the appropriate zoning standards, or otherwise mitigates its impacts; and

WHEREAS, the Stevenson City Council finds that the City's ability to preserve the look and feel of the city as outlined in the adopted Comprehensive Plan 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 will hold a duly advertised public hearing on March 21, 2019, 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 for new construction of single-family residences within any Commercial C1 zone (SMC Ch 17.25) as of December 6, 2018. As the term is used herein, "single-family residence" shall mean:

- A. "Single-family detached dwelling" as described in SMC table 17.13.010-1: Residence or Accommodation Uses, and
- B. Any construction of a mixed-use nature involving fewer than 2 dwelling units on a single lot, and
- C. "Manufactured Home" as described in SMC table 17.13.010-1: Residence or Accommodation Uses, and
- D. "Modular Homes" as described in SMC table 17.13.010-1: Residence or Accommodation Uses.

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 new single-family residence 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. This ordinance shall become effective following passage and publication as provided by law.

ADOPTED this 21st day of February, 2019.

CITY OF STEVENSON

Scott Anderson, Mayor

ATTEST:

Leana Kinley, Clerk

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney