

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 20-234

NOTICE OF PUBLIC HEARING AND PROPOSED ACTION TO RATIFY ORDINANCE 1319, LIFTING A MORATORIUM UPON CERTAIN BUILDING PERMITS WITHIN THE BOUNDARIES OF MIDDLE FORK WATER-SEWER SYSTEM - FORMALLY KNOWN AS WATER-SEWER DISTRICT #5

WHEREAS, notice is hereby given that a public hearing will be held by the Lewis County Board of County Commissioners (BOCC) in the hearing room at 351 NW North Street, Chehalis, Washington on July 27, 2020, at or after 10:00 a.m., or at such time later that day as may be necessary due to schedule changes pertaining to COVID-19; and

WHEREAS, interested parties are encouraged to check the Commissioners' hearing schedule online at <https://lewiscountywa.gov/offices/commissioners/agendas-calendar/> as July 27, 2020, approaches for updated details; and

WHEREAS, public notice of said hearing is required by law; and

WHEREAS, on said date, the BOCC will take public testimony or written comment on the Ordinance 1319 concerning lifting a moratorium upon certain building permits within the boundaries of Middle Fork Water-Sewer System.

NOW THEREFORE BE IT RESOLVED the purpose of the public hearing is to take public testimony or written comment concerning lifting a moratorium upon certain building permits within the boundaries of Middle Fork Water-Sewer System; and

NOW THEREFORE BE IT FURTHER RESOLVED that a hearing is hereby scheduled for July 27, 2020, to take public testimony or written comment concerning lifting a moratorium upon certain building permits within the boundaries of Middle Fork Water-Sewer System with final BOCC action to take place following the public hearing.

DONE IN OPEN SESSION this 13th day of July, 2020.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Amber Smith
By: Amber Smith,
Deputy Prosecuting Attorney

Gary Stamper
Gary Stamper, Chair

ATTEST:



Edna J. Fund
Edna J. Fund, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of County
Commissioners

Robert C. Jackson
Robert C. Jackson, Commissioner

ORDINANCE 1319

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**AN ORDINANCE OF LEWIS COUNTY, WASHINGTON LIFTING) ORDINANCE 1319
A MORATORIUM UPON CERTAIN BUILDING PERMITS WITHIN)
THE BOUNDARIES OF MIDDLE FORK WATER AND SEWER)
SYSTEM – FORMALLY KNOWN AS WATER-SEWER DISTRICT #5)**

WHEREAS, Lewis County Board of County Commissioners enacted Ordinance 1294 on August 6, 2018, and renewed the moratorium with the passage of Ordinance 1300 on January 28, 2019, followed by the passage of Ordinance 1302 on June 3, 2019, and again with the passage of Ordinance 1308 on November 4, 2019, and finally by the passage of Ordinance 1317 on April 27, 2020, followed by a public hearing to ratify said ordinance(s); and

WHEREAS, on July 9, 2004, Lewis County Water District No. 2 (District 2) entered into an Interlocal Agreement for Provision of Wholesale Sewer Service to receive and treat wastewater from Lewis County Water/Sewer District No. 5 (District 5), which was proposed to serve the proposed Birchfield Fully Contained Community; and

WHEREAS, in February of 2017 the Birchfield Fully Contained Community proposal was withdrawn; and

WHEREAS, District 2 considered the Interlocal Agreement “null and void because its express and sole purpose was to govern the provision of inter-district sewer service for the Birchfield FCC [Fully Contained Community].” In the opinion of District 2, this fundamental change mandated a new interlocal agreement for any inter-district cooperation; and

WHEREAS, on July 24, 2018, the District 2 Commissioners adopted Resolution No. 7-24-2018 stating District 2 will not accept new applications for sewer service from property owners in District 5 without a new interlocal agreement between District 2 and District 5; and

WHEREAS, prior to submitting an application for a building permit, an applicant must show that they have access to an adequate wastewater treatment system. The recent action by District 2 called the availability of sewer service in District 5 into question because District 2 challenged the legality of District 5’s reliance on District 2’s wastewater treatment plant; and

WHEREAS, moratoria adopted pursuant to the authority of RCW36.70A.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, pursuant to RCW 36.94.310-360, Water-Sewer District #5 lawfully transferred its assets and legal rights to Lewis County on June 24, 2020; and

WHEREAS, Lewis County Public Works is now the service provider for the transferred service area now known as Middle Fork Water and Sewer System; and

WHEREAS, the Board has agreed this satisfies the intent of the moratoria; and

WHEREAS, Ordinance 1317 may be lifted by an additional ordinance upon the circumstances herein; and

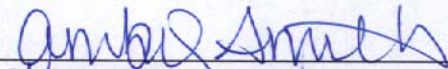
NOW THEREFORE BE IT ORDAINED that the moratorium in Ordinance 1317 is lifted. Ordinance 1294, Ordinance 1300, Ordinance 1302, Ordinance 1308 and Ordinance 1317 therefore have no further force and effect, except as historical evidence of this Board's action.

PASSED IN REGULAR SESSION this 27th day of July 2020, with public hearing.

DONE IN OPEN SESSION this 13th day of July, 2020

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney



By: Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS

LEWIS COUNTY, WASHINGTON

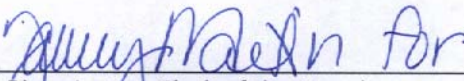


Gary Stamper, Chair

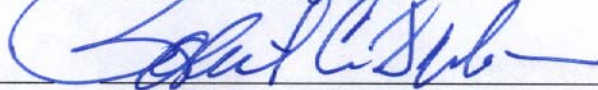


Edna J. Fund, Vice Chair

ATTEST:



Rieva Lester, Clerk of the Board



Robert C. Jackson, Commissioner