

EMERGENCY ORDINANCE

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 07-824

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON CONTINUING A MORATORIUM ON THE LANDING OF MOBILE HOMES OR MANUFACTURED HOMES, EXCEPT WITHIN PREVIOUSLY APPROVED AND EXISTING MOBILE HOME PARK SITES AND UPON COMMERCIALY ZONED PROPERTY AND EXCEPT THE PLACEMENT OF NEW MANUFACTURED HOMES, AND DECLARING THIS ORDINANCE A PUBLIC EMERGENCY ORDINANCE AND THUS EFFECTIVE IMMEDIATELY

WHEREAS, statistics previously compiled by the City indicate that Black Diamond contains an inordinate number of manufactured housing units in relation to the population of the City; and

WHEREAS, there are current facilities for manufactured housing and mobile homes in existing mobile home parks within the City; and

WHEREAS, the City is in the process of preparing Development Regulations consistent with the updated Comprehensive Plan which the City anticipates will be complete within the next six months; and

WHEREAS, restrictions are necessary to preserve the integrity of the new Comprehensive Plan and preserve the values of existing real estate; to ensure the orderly development of the Black Diamond community with the opportunity for mixed uses and to provide more diverse forms of housing for the needs of citizens which may not be available with an uncontrolled influx of manufactured housing; and

WHEREAS, the City, in concert with King County and private property owners implemented and funded a work plan to complete the Development Regulations and the Development Regulations are not yet complete and the existing moratorium will expire before their completion; and

WHEREAS, the Critical Areas Ordinance, Zoning Regulations and Public Works Standards updates are not yet completed; and

WHEREAS, based upon the intended completion of the Development Regulations within the next 6 months the Council finds that the public health and welfare would best be served by extending the moratorium; and

WHEREAS, on October 5, 2006 the City Council passed Ordinance 06-817 imposing a moratorium on the landing of mobile homes, but, due to the incredible workload of current personnel the City will be unable to complete the development regulation updates before that moratorium expires on April 5, 2007; and

WHEREAS, on April 5, 2007 the City council held a public hearing on the extension of the moratorium imposed by Ordinance 06-817 now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The moratorium imposed by Ordinance No. 06-817 shall be and hereby is automatically extended from its expiration date to October 5, 2007, unless earlier terminated by Council action. The moratorium prohibits the landing of manufactured homes or mobile homes, as defined in RCW 46.04.302, and the acceptance of applications for the landing of manufactured homes or mobile homes, except as otherwise authorized in Section 2.

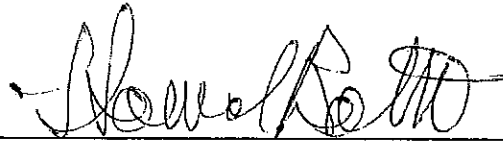
Section 2. The moratorium as provided in Section 1 above shall not include modular homes as defined in RCW 46.04.303, and shall not include the placement of new manufactured homes pursuant to BDMC 18.56.070. Additionally, any mobile home legally landed within the City prior to June 15, 1994, may be replaced by the owner but only so long as the replacement mobile home is a minimum of 28 feet in width and 40 feet in length and is a 1986 model year or newer. In addition, the replacement mobile home must meet all other provisions governing mobile homes as contained in the Black Diamond Municipal Code. During the period of this moratorium, mobile and manufactured homes may still be placed on existing approved mobile home sites in existing mobile home parks within the City or upon properties zoned community retail, light industrial or industrial, where the mobile or manufactured home is used exclusively for commercial purposes and upon a grant of a conditional use permit.

Section 3. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of the public health, safety, public property or the public peace and shall be effective upon adoption.

Section 4. If any provision of this Ordinance, or Ordinance modification by it is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance and Ordinances and/or Resolutions modified by it shall remain in force and effect.

Introduced the 5th day of April, 2007.

Passed by the City Council on the 5th day of April, 2007



Mayor Howard Botts

Attest:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: _____

Posted: _____

Effective Date: _____