

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 09-894

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

WHEREAS, the City Council makes the following findings:

1. 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.
2. The current facilities for manufactured housing and mobile homes in existing mobile home parks within the City may continue to operate under passage of this ordinance.
3. For over twelve years the City has been working toward the goal of bringing into reality a vision for the development of Black Diamond that will make the City a model city demonstrating excellent small City comprehensive urban land planning and development.
4. The City has this opportunity because a vast percentage of the total land area within the City is undeveloped and is in the control of only two entities.
5. One of those entities has provided the funding, through various agreements, to hire the consultants and expert staff to complete the changes to the City's Comprehensive Plan and development regulations that are necessary to bring the City's vision into reality.
6. In order to expedite the completion of the necessary Comprehensive Plan and development regulations the City Council and Planning Commission have been holding additional meetings.
7. Since the City has many undeveloped or underdeveloped parcels allowing development to occur before the new development regulations are in place would result in the vision of the City that is contained in the Comprehensive Plan being severely compromised, if not thwarted.
8. The development regulations that are being developed include increased standards for the protections for critical wildlife habitat, environmentally sensitive areas, and areas that are critical for the protection of water quality for endangered species.

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9. It would be detrimental to the public health, safety and welfare to allow large portions of the City to vest to the old development standards until such time as the new development regulations are adopted by the City, as development applications might vest to the old standards unless the premature filing of applications is prevented.

10. It is anticipated, given the current work plan and increased number of public meetings, that the implementation regulations will be completed within six months.

11. Pursuant to RCW 35A.63.220 a public hearing was held on March 5, 2009 regarding the continuation of the existing moratorium that is in effect as a result of the adoption of ordinance 08-869.

Based upon the above findings,

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

Section 1. The moratorium previously imposed under Ordinance 08-869 shall be and hereby is extended. 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. The prohibition set forth in Section 1 shall be effective until **August 30, 2009**, unless earlier terminated by action of the City Council.

Section 4. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption.

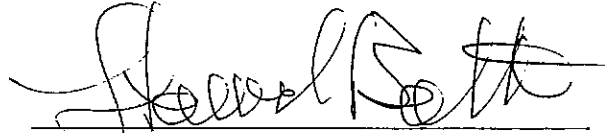
Section 5. Each and every provision of this Ordinance shall be deemed severable. If any provision of this Ordinance should be deemed to be unconstitutional or otherwise contrary to the law by a Court of competent jurisdiction, it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

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Introduced the 5<sup>th</sup> day of March, 2009.

Passed by an affirmative vote of no less than four (4) Councilmembers on the 5th day of March, 2009.

Approved by the Mayor on the 5<sup>th</sup> day of March, 2009.

  
Howard Botts, Mayor

ATTEST:

  
Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

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Loren D. Combs, City Attorney  
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