

**CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 17-0453**

**AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING A MORATORIUM ON
DEVELOPMENT PERMITS RELATING TO MOBILE
HOME PARKS; SETTING A DATE FOR A PUBLIC
HEARING ON THE MORATORIUM; PROVIDING FOR
SEVERABILITY; AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to the Growth Management Act, Chapter 36.70A RCW, the City has the authority and the obligation to plan for the orderly and effective growth and development of property within the City, which planning processes include the adoption of a Comprehensive Plan and other planning documents for the City; and

WHEREAS, under Chapters 35A.11 and 35A.63 RCW, and the Growth Management Act, the City has the authority to adopt ordinances regulating the use and development of property within the City, consistent with the policies and provisions of the City's Comprehensive Plan; and

WHEREAS, the City has adopted a Comprehensive Plan and other planning documents in accordance with the Growth Management Act's requirements; and

WHEREAS, the City's Comprehensive Plan recognizes that the City is one of the few communities in east King County with any significant number of mobile and manufactured homes, that overall availability of mobile and manufactured housing has been decreasing in King County as parks are redeveloped with other uses, and that mobile and manufactured housing has offered a relatively affordable form of housing and is being replaced with more expensive housing; and

WHEREAS, H-3.1 and H-3.2.1 of the Housing Element of the City's Comprehensive Plan specifically encourage the retention and preservation of the City's existing housing stock as a source of affordable housing; and

WHEREAS, in April 2016, the City Council directed the Planning Commission to draft and recommend a Housing Strategy Plan, in accordance with the implementation strategies of the Comprehensive Plan Housing Element, to emphasize affordable housing strategies in the City; and

WHEREAS, on March 20, 2017, the City Council considered and adopted the Housing Strategy Plan, which includes consideration of preserving existing mobile and manufactured housing as an important source of affordable housing, and suggests potential amendments to the Kenmore Municipal Code and other City action, which require more time for City officials and staff to review, analyze, and potentially enact; and

WHEREAS, since adoption of the Housing Strategy Plan, the Planning Commission has been studying the various options articulated therein, including at the October 3, 2017 and October 17, 2017 Planning Commission meetings where the commissioners and staff received input from the Rental Housing Association of Washington and A Regional Coalition for Housing on strategies for preserving affordable housing in the City; and

WHEREAS, a moratorium is necessary to preserve and retain the existing stock of affordable mobile and manufactured housing, given the identified trend in King County of redeveloping mobile and manufactured homes and parks into more expensive housing, while City officials and staff continue their review, analysis, and potential enactment of policies described in the Housing Strategy Plan; and

WHEREAS, the regulation of zoning and land use are valid exercises of City police powers under Article XI, Section 11 of the State Constitution; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to adopt a moratorium on development or land use for six-months, and hold a public hearing on the moratorium within sixty (60) days of the initial adoption of the moratorium; and

WHEREAS, to preserve the integrity of the City's development regulations while City officials and staff are reviewing, analyzing, and potentially enacting the policies described in the Housing Strategy Plan, the City should preclude temporarily the filing and acceptance of development permits as described in Section 2 below;

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

Section 1. Findings. The City Council adopts the recitals set forth above, which are incorporated herein by reference, as findings in support of the moratorium imposed by this Ordinance. The City Council may, in its discretion, adopt additional or revised findings at the conclusion of the public hearing referenced in Section 3 below.

Section 2. Moratorium. Pursuant to the City's police powers under Article XI, Section 11 of the State Constitution and RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby adopts and enacts a moratorium prohibiting the filing and acceptance of applications for development permits relating to mobile home parks, as defined in KMC 18.20.1760. For purposes of this moratorium, "development permits" mean: permits as defined in KMC 18.20.735 (any permit issued by the City, or other authorized agency, for construction, land use, or the alteration of land); variances; conditional use permits; special use permits; zone reclassification permits; or any other permits the development services director is authorized to receive, including for demolition pursuant to KMC 15.30.135. Excepted from this moratorium are applications for repair or maintenance of mobile home parks and any other applications necessary for public health and safety as determined by the development services director.

Section 3. Public Hearing. As provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council hereby sets a public hearing on this Ordinance and moratorium for November 27, 2017 at 7:00 p.m., or as soon thereafter as the business of the City Council shall

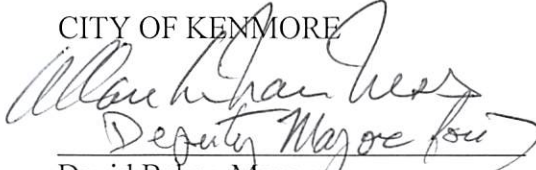
permit, in order to take public testimony and consider adopting findings of fact to support the moratorium.

Section 4. Duration. The moratorium established in Section 2 of this Ordinance shall be in effect through May 11, 2018, and shall automatically expire on that date unless repealed, modified, or extended after subsequent public hearing and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

Section 6. Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn.App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the recitals set forth above, which are adopted by reference.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13th DAY OF NOVEMBER, 2017.


CITY OF KENMORE

Deputy Mayor for
David Baker, Mayor

ATTEST/AUTHENTICATED:



Kelly Chelin, City Clerk

Approved as to form:



Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK: 11/13/17
PASSED BY THE CITY COUNCIL: 11/13/17
ORDINANCE NO.: 17-0453
DATE OF PUBLICATION: 11/16/17
EFFECTIVE DATE: 11/13/17 (immediately)