

ORDINANCE NO. 2020-002

AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON, IMPOSING AN IMMEDIATE MORATORIUM ON THE FILING, ACCEPTANCE, PROCESSING AND/OR APPROVAL OF APPLICATIONS FOR MANUFACTURED HOME PARKS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the moratorium is to address the issue of private streets within the City limits and potentially creating more problems in the future. By imposing this moratorium, it will allow additional time to explore options and draft new land use regulations regarding private streets, including those within manufactured home parks in the City limits; and

WHEREAS, at this time SMC 18.62.040 states that the ownership of all streets within a manufactured or mobile home development will be privately owned and maintained except for the arterial streets and local access streets; and

WHEREAS, the City Council has expressed a desire to discuss a policy addressing private roads throughout the city; and

WHEREAS, the City believes a moratorium on applications of manufactured home parks is in the City's best interest; and

WHEREAS, RCW 36.70A.390 authorized the City Council to adopt an immediate moratorium for a period of up to 6 months without holding a public hearing on the proposal if a public hearing is held within at least 60 days of its adoption; and

WHEREAS, RCW 36.70A.390 also provides an extension of up to an additional 6 months is possible if there is work plan developed for related studies; and

WHEREAS, RCW 35.63.200 provides a similar process for adopting and extending land use moratoriums; and

WHEREAS, moratoriums enacted under RCW 36.70A.390 and/or RCW 35.63.200 are methods by which local governments may preserve the status quo so that new regulations will not be rendered moot by intervening projects; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, there are no known pending or contemplated applications for manufactured or mobile home parks at the time of enactment; and

WHEREAS, the City Council concludes that the City has the authority to establish a moratorium and that the City must adopt a moratorium concerning the filing, acceptance, and processing of new applications for manufactured home parks.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEQUIM, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Moratorium Imposed. A moratorium is imposed on the filing, acceptance and processing of new applications for manufactured home parks, as said terms is used in Chapter 19.62 of the Sequim Municipal Code (SMC), within the City. During the term of this moratorium, the City will not continue to accept and process new applications for manufactured home parks, however, this moratorium will not apply to any pending applications that were counter complete, as provided in the Sequim Municipal Code before the effective date of this ordinance.

Section 2. Duration of Moratorium. The moratorium imposed by this Ordinance will be in effect for a period not to exceed six months, beginning on the date of the adoption of this Ordinance.

Section 3. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390, the City Council must hold a public hearing on this moratorium within 60 days of passing this ordinance. Immediately after the public hearing, the City Council must adopt findings of fact on this moratorium to justify its continued imposition or cancel the moratorium.

Section 4. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Savings Clause. Those portions of Ordinance 2018-006, 97-010 and 97-004 which are repealed or amended by this ordinance shall remain in force and effect until the effective date of this ordinance.

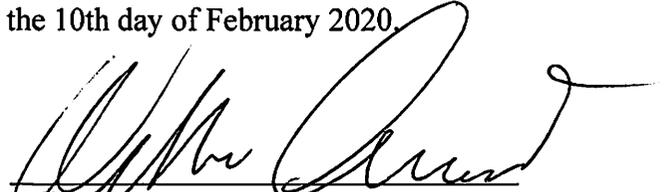
Such repeals and amendments shall not be construed as affecting any existing right acquired under the ordinances repealed or amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Notwithstanding the foregoing actions, obligations under such ordinances or permits issued thereunder and in effect on the effective date of this ordinance shall continue in full force and effect, and no liability thereunder, civil or criminal, shall be in any way modified. Further, it is not the intention of these actions to reenact any ordinances or parts of ordinances previously repealed or amended, unless this ordinance specifically states such intent to reenact such repealed or amended ordinances.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Emergency Declaration and Effective Date. Therefore, the City's moratorium must be imposed immediately to prevent any development rights from vesting and preserve the City's ability to process applications under valid codes. Without a moratorium, new manufactured home parks would become vested under current code, which may frustrate City policy. This ordinance, passed by a majority plus one of the whole membership of the City Council

as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SEQUIM,
WASHINGTON,** at a regular meeting thereof held the 10th day of February 2020.



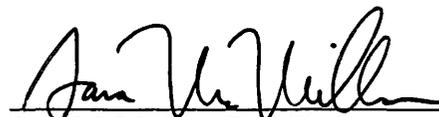
William Armacost, Mayor

Approved as to form:



Kristina Nelson-Gross, City Attorney

Attest:



Sara McMillon, City Clerk

2/10/2020
Effective Date