

# ORDINANCE 1816

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO MOBILE HOME PARKS; AMENDING NORTH BEND MUNICIPAL CODE SECTION 16.12.005 RELATING TO PREPARATION AND FILING OF PLANS FOR MOBILE HOME PARKS; AMENDING THE DEVELOPMENT PERMIT AND APPROVAL FRAMEWORK FOR MOBILE HOME PARKS SET FORTH IN NBMC TABLE 20.01.004; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the North Bend City Council desires to amend North Bend Municipal Code Section (“NBMC”) 16.12.005 and NBMC Table 20.01.004 to further the City’s compliance with Second Substitute Senate Bill 5290 (“S.B. 5290”) passed by the Washington Legislature in the year 2023, and which reformed aspects of the land use permitting process; and

**WHEREAS**, under S.B. 5290, which has been codified as RCW 36.70B.160, cities are asked to eliminate public hearings from the land use permitting process which are not required by the Revised Code of Washington (“RCW”); and

**WHEREAS**, the City staff identified sections of the current NBMC pertaining to mobile home parks that require an open record public hearing beyond what the RCW requires; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to amend NBMC Section 16.12.005 and NBMC Table 20.01.004 to eliminate public hearings specific to mobile home parks; and

**WHEREAS**, the Planning Commission considered the proposed amendments to NBMC Section 16.12.005 and NBMC Table 20.01.004 at its August 7, 2024 meeting and recommended City Council approval, and a public hearing on the amendments was held on September 17, 2024;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. NBMC Section 16.12.005 (Plans – Preparation and Filing), Amended:** North Bend Municipal Code Section 16.12.005 (Plans – Preparation and filing) is hereby amended as follows:

**16.12.005 Plans – Preparation and filing.**

Prior to any construction or installation of any buildings or utilities in a new or proposed mobile home park, or additions, extensions, and enlargement of any existing mobile home park, the owner or operator shall obtain approval from the Community Development Director~~examiner~~. ~~The examiner shall conduct an open record hearing to review the proposed plans.~~ All submitted plans shall be prepared by a licensed architect or engineer; provided, however, that an owner may develop his own drawings when he is capable of producing drawings equivalent to the conventional drawings of architects and engineers.

~~The examiner's decision shall be final and conclusive unless a written appeal is filed in superior court according to the city's appeal procedures as set forth in Chapter 20.06 NBMC, as now in effect or as may be subsequently amended.~~

**Section 2. NBMC Table 20.01.004 (Development Permit and Approval Framework).**

**Amended:** Table 20.01.004 of the North Bend Municipal Code (Development Permit and Approval Framework) is hereby amended as set forth on Exhibit A attached hereto and by this reference incorporated herein. The remainder of North Bend Municipal Code Section 2.01.004 shall remain in full force and effect as currently adopted.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 17<sup>TH</sup> DAY OF SEPTEMBER, 2024.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Mary Miller, Mayor**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: September 27, 2024

Effective: October 2, 2024

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**Susie Oppedal, City Clerk**