

# AGENDA

## Lynnwood Planning Commission

Thurs., March 10, 2005 — 7:00 pm — City Council Chambers, 19100 – 44<sup>th</sup> Ave. W., Lynnwood

- A. Call to Order**      Chair DECKER  
                                 Commissioner BIGLER  
                                 Commissioner ELLIOTT  
                                 Commissioner JOHNSON  
                                 Commissioner PEYCHEFF  
                                 Commissioner WALTHER  
                                 VACANT

**B. APPROVAL OF MINUTES:**

1. Minutes of February 10, 2005
2. Minutes of February 24, 2005

**C. COUNCIL LIAISON REPORT**

**D. CITIZEN COMMENTS** – on matters **not** on tonight's agenda:

**E. COMMISSION MEMBER DISCLOSURES:**

**F. PUBLIC HEARING:**

1. Manufactured Housing Code Amendment – Proposed amendments to the Zoning Code to comply with SB-6593 regarding equal treatment of conventional and factory-built housing.

**G. WORK SESSION:** None scheduled

**H. BUSINESS:** None scheduled

**I. DIRECTOR'S REPORT & INFORMATION:**

1. City Council Actions
2. Upcoming Meetings

**J. ADJOURNMENT**

The public is invited to attend and participate. To request special accommodations for persons with disabilities, contact the City at 425-670-6613 with 24 hours advance notice.

*Lynnwood Planning Commission*  
**Meeting of March 10, 2005**

## Staff Report

Agenda Item: **F-1**

### **Manufactured Housing Code Amendment (SB-6593)**

Files: 2005CAM0002 & 2005ERC0003

- Public Hearing**
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Department of Community Development ó Staff Contact: Gina Coccia 425.670.8309

### ***BACKGROUND INFORMATION...***

#### ***What is Senate Bill 6593?***

SB-6593 was passed in 2004 to prohibit discrimination against manufactured housing. The legislature's intent was to protect "consumer's choices in housing," and provide for "affordable homeownership and rental housing" without restraint of trade or discrimination by local governments. Requirements for site-built and factory-built housing must now be similar and not more restrictive for one than for the other.

#### ***How can we comply with SB-6593?***

In order to implement this new law, communities must ensure that their land use regulations and other ordinances do not unfairly discriminate against manufactured housing. Cities and counties, including Lynnwood, are reviewing their regulations and making changes to make sure they comply.

#### ***How long do communities have to change their regulations?***

Each jurisdiction must amend or rescind discriminatory regulations by July 1, 2005.

#### ***How do we determine if we are in compliance?***

City staff and the City Attorney have reviewed Lynnwood's regulations and recommended changes that will be necessary to comply with SB-6593. Several options were presented to the Planning Commission for consideration. The Commission is now reviewing the regulations and considering which options to recommend to the City Council. State agencies will review the Commission's recommendations and may offer comments, which will be considered by the City Council before it makes the final decision.

#### ***Can we impose additional requirements specific to manufactured homes?***

Yes – and additional requirements are suggested as "Option 2". These are allowed by RCW 35.21.684 (Effective July 1, 2005) as follows:

However, any city or town may require that (a) a manufactured home be a new manufactured home; (b) the manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative; (c) the manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located; (d) the home is thermally equivalent to the state energy code; and (e) the manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

## **OPTIONS...**

**Option #1** – Make all changes to the Zoning Code that are necessary to comply with SB-6593.

**Option #2** – Make the necessary changes recommended in Option #1 and impose additional requirements that are important to the City and allowed by RCW 35.21.684.

### **Option #1 – The following changes are necessary to comply with SB-6593:**

#### **Option #1 - A**

**Recommendation:** *Adjust the definition of "Manufactured home" and delete the unnecessary definition of "Designated Manufactured Home" as follows:*

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**21.02.501     Manufactured home.**

"Manufactured home" means a dwelling unit constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. All manufactured homes shall bear the appropriate insignia by a state or federal regulatory agency indicating compliance with all applicable construction standards of the U.S. Department of Housing and Urban Development for manufactured homes as adopted by the Washington State Department of Labor and Industries or the International Building Code as adopted by the city of Lynnwood.

#### **Option #1 - B**

**Recommendation:** *Remove the definition of "Mobile home lot" since mobile homes are no longer permitted in new developments and lots are not being created for exclusive occupancy by mobile homes.*

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#### **Option #1 - C**

**Recommendation:** *Add the following language to the residential chapters of LMC to clarify the consistent treatment and siting of site-built and factory-built housing:*

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Insert the following wording into **LMC 21.42.050** (Zones and Purposes: Residential Single-Family Zones) and **LMC 21.43.050** (Zones and Purposes: Residential Multi-Family Zones):

This chapter sets forth the terms and conditions under which single-family homes may be sited, and ensures that manufactured homes as defined in LMC 21.02.501 may be sited in any zone where single-family homes are permitted. However, nothing in this chapter shall be construed as to permit housing designs or construction standards that do not meet the standards of a historic district.

**Option #1 - D**

**Recommendation:** *Part 1-A above removes the term "Designated Manufactured Home." That term should also be removed from the following General Provisions section. Also, the International Building Code is our adopted code and needs to be corrected as noted:*

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**21.70.200 General provisions.**

A. Location and Occupancy.

1. Manufactured homes are permitted on lots which are zoned for residential use, subject to the same development regulations as other forms of single-family housing.
2. Manufactured homes are permitted in mobile home parks or manufactured home developments, and mobile homes are only permitted in mobile home parks.
3. Recreational vehicles are not allowed as permanent year-round dwellings nor as replacement units in mobile home parks or manufactured home developments.
4. All proposed structures shall meet the requirements of the International Building Code as adopted by the city of Lynnwood or bear the appropriate seal of the Washington State Department of Labor and Industries.

B. Use and Density.

1. The uses within new developments, new mobile home parks and expansions of existing developments and parks under this chapter are limited to the uses permitted in the zone in which the development is proposed.
2. Existing mobile home parks are exempt from density limitations, except that any internal redevelopment or alteration shall not exceed the density limit for that park, as shown in Table 21.70.250.
3. Expansion of an existing park beyond current boundaries is allowed, provided the expanded areas comply with all development standards required for new manufactured home parks, including use and density.

**Option #2 – Impose additional requirements that are important to the City and allowed by RCW 35.21.684:**

**Recommendations:**

- A. Require manufactured homes coming into Lynnwood to be new.
- B. Require site-built dwellings to be on perimeter foundations.
- C. Require manufactured homes to have foundations enclosing excavated crawl spaces.

**Option #2**

**Recommendation:** *In addition to Option #1, add a new subsection 205 to LMC Chapter 21.42 (Residential Single-family Zones) and Chapter 21.43 (Residential Multiple-family Zones) as follows:*

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**21.42.205 – Single-family Dwelling Standards**

**21.43.205 – Single-family Dwelling Standards**

- A. **Site-built dwellings shall be placed on concrete or masonry perimeter foundations.**
- B. **Manufactured homes shall be installed in accordance with the manufacturers' specifications and, in locations outside mobile home parks, an excavated crawl space of not less than 24 inches in depth shall be provided and fully enclosed by a perimeter concrete or masonry retaining wall.**
- C. **Any manufactured home sited within the City of Lynnwood, with the exception of replacement units in existing mobile home parks, shall be new, not previously titled to a retail purchaser and not a "used mobile home" as defined in RCW 82.45.032(2).**

**Additional Clarification:**

- A. *Site-built dwellings are constructed to International Building Code requirements.*
- B. *Manufactured homes are typically supported internally and not by perimeter foundations. However, a crawl space is required and the concrete or masonry retaining wall around that crawl space will make the dwelling appear more conventional and will prevent the use of wood, aluminum, plastic or other materials as "skirting" around the base of the structure.*
- C. *RCW 82.45.032(2), "Used mobile home" means a mobile home which has been previously sold at retail and has been subjected to tax under chapter [82.08](#) RCW, or which has been previously used and has been subjected to tax under chapter [82.12](#) RCW, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.*

*The "new" requirement is not intended to apply to established mobile home parks that might be trying to upgrade under their approved site plan. Nor would the perimeter foundation apply to those parks since the spaces are leased and the homes interchangeable.*

*The legislation allows us to require manufactured homes be "new" when coming into the City, but that requirement need not be placed on other types of dwellings. It will still be possible to move older site-built houses from place to place or bring them into the City from elsewhere.*

## ***NEXT STEPS...***

- **SEPA Review:** The Environmental Review Committee (ERC) issued a Determination of Nonsignificance (DNS) on February 24, 2005. The appeal period ends on March 10, 2005.
- **60-day Review:** Following the Planning Commission's recommendation, the proposal will be submitted to various agencies for a mandatory 60-day review. The City Council will take action following receipt of those comments.
- **Council Hearing:** The City Council must conduct at least one work session and a public hearing before making its final decision.
- **Adoption:** If approved by the Council, the Zoning Code will be amended by ordinance.





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*Lynnwood Planning Commission*  
**Meeting of March 10, 2005**

**Staff Report**

Agenda Item: **I-2**

**Upcoming Commission Meetings**

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information**
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Ron W. Hough, Planning Manager

- The following schedule is for planning purposes – subject to adjustments.

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**March 10**    **Public Hearing:**    **Code Amendment** – SB-6593 – Manufactured Housing  
**Work Session:**            TBA

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**March 24**    **Public Hearing:**            TBA  
**Work Session:**            **2005 Plan Amendments** – Early briefing

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**April 14**    **Public Hearing:**            **2005 Plan Amendments** – Proposed Amendments List  
**Work Session:**            **P-1 Zone Revisions**

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**April 28**    **Public Hearing:**            TBA  
**Work Session:**            **2005 Plan Amendments** – Discussion of proposals.