

**Lynnwood Planning Commission  
Meeting of February 10<sup>th</sup>, 2005**

**Staff Report**

**Agenda Item: G-1  
Manufactured Housing  
Code Amendment (SB-6593)**

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

File: 2005CAM0002

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**Background/Discussion:**

The Planning Commission will review Lynnwood's Zoning Code for compliance with SB-6593 regarding equal treatment of conventional and factory-built housing.

For years, manufactured housing interests have sought to pre-empt local authority to determine where and how manufactured homes are sited. This year they were successful in getting SB-6593 passed by the legislature. Each jurisdiction is now reviewing its regulations to make sure they comply with this new legislation.

In essence, this bill prevents cities from regulating manufactured homes any differently than site built homes. Specifically, homes built to the federal manufactured housing construction standards must be regulated in the same manner as site built homes, other factory built homes, and homes built to any other state construction standard. It is important to note that this bill does not take effect until July 1<sup>st</sup>, 2005.

Cities and counties may require manufactured housing to be set on a permanent foundation that meets manufacturer standards and may require concrete or a concrete product to be put between the base of the home and the ground, be thermally equivalent to the state energy code, meet local design standards and otherwise meet all other requirements for a designated manufactured home. However, there are some other requirements that are placed on manufactured homes by Lynnwood's zoning code that may not be appropriate.

After review of the zoning code, the following needs to be determined:

- *Is the wording adequate and "No Changes" are needed?*
- *Do any parts of the code need to be removed?*
- *Is there material that needs to be added to the code?*
- *Issues? For example, would additional requirements for manufactured homes result in safer or more attractive? Would additional requirements increase the costs to new (manufactured) homeowners or significantly reduce affordability?*

***From the City Attorney's Memo (November 19<sup>th</sup>, 2004)***

The statute does grant cities some limited zoning authority over manufactured housing, by authorizing cities to impose the following requirements:

1. Manufactured homes must be new;
2. Manufactured homes must be placed upon a permanent foundation and the space from the bottom of the home to the ground must be enclosed;
3. Manufactured homes must comply with all local design standards applicable to other homes within the neighborhood;
4. Manufactured homes must be thermally equivalent to the state energy code;
5. Manufactured homes must meet the requirements for a "designated manufactured home" as defined in RCW 35.63.160, including the following:
  - a. Comprised of at least two fully enclosed parallel sections each not less than twelve feet wide by thirty-six feet long;
  - b. Originally constructed with and currently maintains a composition of wood, shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
  - c. Has siding materials similar in appearance to siding materials commonly used on conventional site-built homes.

**Lynnwood's Current Code:**

Staff conducted a cursory sweep of the Zoning Code and determined that there are two titles that should be reviewed for compliance with SB-6593:

- LMC 21.02 "Definitions": where manufactured home, mobile home and other associated terms are defined;
- LMC 21.70: "Manufactured Homes, Mobile Homes, Manufactured Home Developments, and Mobile Home Parks": which contains the specific minimum standards for the development of manufactured home developments and mobile home parks.

The following excerpts are from the Zoning Code, with staff's comments below in *italics*.

**LMC 21.02 – DEFINITIONS**

**21.02.290 Dwelling.**

"Dwelling," means any building or any portion thereof, which is not an apartment house or hotel as defined in this title which contains one or more apartments or guest rooms, used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes. (Ord. 2020 § 2, 1994; Ord. 190 Art. IV § 404, 1964)

A "One-family Dwelling" is defined as "a detached building designed exclusively for occupancy by one family and containing one dwelling unit."

### **21.02.300 Dwelling unit.**

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. (Ord. 2051 § 3, 1995; Ord. 2020 § 2, 1994; Ord. 190 Art. IV § 404, 1964)

**Comment**— *A mobile or manufactured home is, by definition, a single-family detached dwelling unit. There's no need to change these definitions.*

### **21.02.501 Manufactured home.**

**A. 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 Uniform Building Code as adopted by the city of Lynnwood.

**B. Designated Manufactured Home.** "Designated manufactured home" means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and
3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences. (Ord. 2295 § 2, 2000; Ord. 2020 § 2, 1994; Ord. 1781 § 1, 1990)

### ***Optional wording from the Model Code...***

*Manufactured home: a single family home which:*

- a) is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;*
- b) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and*
- c) has exterior siding similar in appearance to siding materials commonly used on site-built single family homes built according to the International Building Code.*

**Comment**— *If the optional "model code" wording is adopted, we could refrain from using the term "designated" and wouldn't need to refer to "state and federal requirements", etc. The optional wording is much simpler while including the same basic development requirements.*

### **21.02.502 Manufactured home development.**

"Manufactured home development" means a site developed as a planned unit development in accordance with Chapter 21.30 LMC exclusively for the permanent placement of manufactured homes. (Ord. 2020 § 2, 1994; Ord. 1781 § 1, 1990)

**Comment** — *Manufactured Home Developments are "P" (Primary uses) in all single-family and multiple-family zones in Lynnwood. However, they must be approved through the PUD process.*

**Comment** – *Designated Manufactured Homes are also "P" (Primary uses) in all residential zones and may be placed individually on their own lots, such as in single-family residential subdivisions.*

**21.02.503 Mobile home.**

"Mobile home" means a transportable dwelling unit manufactured after January 1, 1968, and before June 15, 1976, and bearing an insignia of the Washington State Department of Labor and Industries. All mobile homes without such insignia are nonconforming structures.

***Optional wording from the Model Code...***

*Mobile Home: a transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974. Mobile homes are no longer built, and their placement in this community is prohibited.*

**21.02.504 Mobile home lot.**

"Mobile home lot" means a plot of ground designated on a binding site plan or conditional use permit, which is designed to accommodate one mobile home or manufactured home. (Ord. 2020 § 2, 1994; Ord. 1781 § 1, 1990)

**Comment** – *"Mobile homes" are no longer permitted in new developments in Lynnwood and we are no longer creating lots for occupancy only by mobile homes through the Conditional Use Permit process. Therefore, this term should be considered for removal from our code.*

**21.02.505 Mobile home park.**

"Mobile home park" means any plot of ground upon which two or more mobile or manufactured homes are lawfully occupied as dwellings, regardless of whether a charge is made for such accommodation. (Ord. 2020 § 2, 1994; Ord. 1782 § 1, 1990)

**Comment** – *Lynnwood no longer allows new "mobile home parks." This term refers only to older existing parks that were developed under previous codes. Since Lynnwood still has 17 such parks, there's no need to remove this term.*

<b>LMC 21.70 – MANUFACTURED HOMES, MOBILE HOMES, MANUFACTURED HOME DEVELOPMENTS, AND MOBILE HOME PARKS</b>
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This chapter establishes minimum standards and requirements for the construction and operation of manufactured home developments and mobile home parks. Although new mobile home parks cannot be built in Lynnwood, this section provides standards for internal changes and remodeling of those older parks for purposes of safety or modernization.

***Optional wording from the Model Code...***

*Intent: It is the intent of this chapter to set forth the terms and conditions under which single-family homes may be sited, and to ensure that manufactured homes as defined in LMC 21.02 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.*

**Comment** – *The "model code" language minimizes the differences between conventional "stick-built" housing and manufactured housing by simply referring to the siting of single-family homes. This wording may be more appropriate in Chapters 21.42 and 21.43 (Residential Single- and Multi-family Zones).*

**21.70.200 General provisions.**

A. Location and Occupancy.

1. Designated 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. Designated and other types of 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 Uniform 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.

**Comment** – If we use the term "manufactured home", and if the definition of that term includes the basic development guidelines described earlier, then we can drop the term "designated" throughout this section.

**21.70.300 Alteration or expansion of mobile home parks.**

A. Alteration. Alteration is a change in the configuration, utilities, access or structures which does not increase the area of the mobile home park. An alteration can provide for the phasing in of improvements and need not effect immediate changes to the entire mobile home park. Alteration does not include repair or maintenance to existing facilities. Alteration shall include but not be limited to the following conditions:

1. The terms and conditions of any existing conditional use permit shall continue.
2. All structures within the area of the alteration shall meet the following setbacks:
  - a. No setback required from internal roads;
  - b. Five-foot setback from lot lines;
  - c. Ten-foot setback from any other mobile or manufactured home;
  - d. Five-foot setback from any other structure.
3. The mobile home park owner shall designate an internal, unobstructed road for general access and emergency access, at least 20 feet in width, or as may be approved as adequate in writing by the Lynnwood fire department.
4. All new structures shall meet the requirements of the Uniform Building Code as adopted by the city of Lynnwood or bear the appropriate seal of the Washington State Department of Labor and Industries issued after January 1, 1968.

B. Expansion. Expansion is a change in the area or configuration of the mobile home park which results in an increase in total area or in the number of units. Expansion of existing mobile home parks shall include but not be limited to the following conditions:

1. Expansions shall be coordinated extensions of the existing site;

2. Occupancy of any area added to an existing mobile home park shall be limited to manufactured homes;
3. All proposed structures within the area added to the mobile home park shall meet the setback requirements in subsection (A)(2) of this section;
4. The expanded area shall be served by an internal, unobstructed road for general access and emergency access, at least 20 feet in width, or as may be approved as adequate in writing by the Lynnwood fire department. (Ord. 2433 § 1(Exh. C), 2002; Ord. 2020 § 23, 1994; Ord. 1781 § 9, 1990)

**Comment** – This section deals with the older existing “mobile home parks”, which will continue to be called mobile home parks because that’s what they were designed for and that’s what they contain. Not a problem. No changes recommended.

**21.70.400 Replacement of mobile or manufactured homes in existing mobile home parks.**

Mobile or manufactured homes or other types of units which are removed from existing mobile home spaces may only be replaced with a mobile or manufactured home. Recreational vehicles are not allowed as replacement units. (Ord. 2433 § 1(Exh. C), 2002; Ord. 2020 § 23, 1994; Ord. 1781 § 9, 1990)

**Comment** – *The only place in the City where “mobile homes” can be accommodated is within an existing mobile home park. If we maintain the manufactured home requirement that it must be at least 24 ft. wide, it would be impossible to replace many of the older single-wide mobile homes. However, if we do not require a manufactured home to have any particular dimensions, then a single-wide manufactured home could be used to replace an old mobile home. Yes, contrary to popular belief, they are still making new single-wides.*

**21.70.650 Building and lot design criteria for manufactured home developments.**

A. The manufactured homes and accessory structures to be located in manufactured home developments shall be described in narrative and/or plans as part of the application in accordance with Chapter 21.30 LMC. “Typical” units are acceptable instead of describing exactly every unit, providing that the units which are installed are generally in conformance with the “typicals” provided in the application.

B. The following minimum criteria shall be considered in the review and approval process:

1. The manufactured home was originally constructed with and now has a composition, wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch;
2. All siding, roofing, and other exterior materials shall be similar in appearance to typical built housing within the city;
3. All roofs shall have a minimum overhang of one foot;
4. The finished first floor level shall be no higher than 12 inches above the exterior finished grade. Except when the manufactured home has a floor level flush with the ground, all manufactured homes shall have a perimeter masonry or concrete foundation or skirting of material similar in type, texture, and color to the siding. (Ord. 2433 § 1(Exh. C), 2002; Ord. 2020 § 23, 1994; Ord. 1781 § 9, 1990)

**Comment** – This section pertains only to new manufactured home developments and will have no effect on mobile homes. The design guidelines of section “B” are somewhat different than the definition of manufactured home and should be reviewed closely. Should these requirements apply to all single-family housing?

**21.70.800 Building plans.**

Building and foundation plans and permits are required for installation of any manufactured home, mobile home, additions to a manufactured or mobile home, or for construction of an accessory structure. Installation shall be done in accordance with the manufacturer’s instructions and specification and the requirements of WAC 296-150-200 through 296-150-255. All accessory structures shall meet the

requirements of the Uniform Building Code as adopted by the city of Lynnwood. Installation shall be inspected and approved by the building official. (Ord. 2433 § 1(Exh. C), 2002; Ord. 2020 § 23, 1994; Ord. 1781 § 9, 1990)

**Comment** – Requiring foundations is okay. This section does not appear to be a problem.

***Additional Material From the Model Code...for Consideration:***

***Minimum siting standards***

*The following standards apply to the siting of all single-family homes, whether site-built or manufactured homes. Where any conflict arises between these regulations and the adopted building code, the stricter standard shall apply.*

- ***Building orientation:*** *all dwellings shall be oriented on the lot so that the front door faces the street*
- ***Foundation:*** *all dwellings shall be placed on permanent foundations.*
- ***Minimum width:*** *a dwelling shall be not less than fourteen (14') feet in width at the narrowest point of its first story.*

**Comment** – Minimum width is used primarily to ensure that so-called “single-wide” homes are prevented. This standard would apply to all homes, including site-built. Other communities have found some legitimate applications for single-wide homes. Some households, such as singles or retired residents prefer a smaller home and some communities find that single-wide manufactured homes make good accessory dwellings. If Lynnwood doesn’t have a problem with “single-wide” homes, the width restriction should be deleted.

- ***Age of dwelling (for manufactured homes only):*** *no manufactured home more than three years old on the date of installation shall be permitted on any lot.*

**Comment** – Unless this requirement is also applied to all other types of single-family housing, it may be viewed as discriminatory. It’s not unusual to move an older house to a new location. Where the house was originally constructed shouldn’t matter. So, if there’s an age limitation, it should apply to everyone.

**Options:**

1. **No Change:** The Zoning Code adequately complies with SB-6593.
2. **Changes:** Amend the Zoning Code to comply with SB-6593 as follows:
  - Change #1 – to be determined.
  - Change #2
  - Change #3

**Recommendation:**

The administration’s recommendation will be provided at a later date.

## Next Steps:

- **Proposal:** The first draft of this code amendment is ready for the Commission's review and discussion. Additional changes and fine-tuning will be necessary.
- **Comments:** Changes to City codes are routed to key staff members and other departments to get their input early in the process. This will be done as soon as the proposed changes are completed in draft form.
- **SEPA Review:** Code changes require environmental review. A SEPA Checklist will be prepared by staff and scheduled for discussion by the Environmental Review Committee (ERC). ERC will make its determination prior to the Commission's public hearing.
- **Planning Commission public hearing:** A public hearing will be scheduled to accept public comments on the proposed changes.
- **60-day Review:** Following the 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.

## Attachments:

- A. Memo from City Attorney: November 19, 2004.
- B. Manufactured Housing Q & A
- C. Senate Bill 6593

