Linda Huettle

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STATUTORY REFERENCES FOR WASHINGTON CITIES AND TOWNS

ORDINANCE LIST AND DISPOSITION TABLE

CODE COMPARATIVE TABLE AND DISPOSITION LIST modified

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CHAPTER 17.36 - MHRP MOBILE/MANUFACTURED HOME RESIDENTIAL PARK DISTRICT[3]

Footnotes:

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Editor's note— *Ord. No. 2020-07-1064, § 1 and 1(Exh. A), adopted July 1, 2020, repealed the former Ch. 17.36, §§ 17.36.010—17.36.080, and enacted a new Ch. 17.36 as set out herein. The former Ch. 17.36 pertained to MHR Mobile Home Residential District and derived from Ord. No. 2012-11-905 adopted Nov. 26, 2012.*

17.36.010 - Purpose/Transfer of MHRP Zone.

The purpose of the MHRP mobile/manufactured home residential park district is to provide a zoning district primarily for manufactured and mobile home parks and secondarily for other high-density, affordable housing and to enable zoning to conform to general planned densities. This chapter replaces "MHR mobile home residential district" and all properties previously zoned thereunder are included in this zone and shall hereafter be designated as "MHRP mobile/manufactured home residential park district".

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.020 - Permitted uses.

The following uses are permitted, subject to conformance with applicable regulations stated below, and elsewhere in this title:

A. Mobile/manufactured home parks. For purposes of this chapter, "mobile/manufactured home residential park district" is defined as any development of real property, within the city providing space for occupancy of two or more manufactured homes as defined in WSMC Chapter 17.08, mobile homes as defined in WSCM Chapter 17.08, and complying with the standards as designated on the data plate (HUD and L&I certification requirements) and with all the provisions of the Manufactured Housing Construction and Safety Standards in effect at the time of its construction and constitutes not less than seven hundred twenty square feet of interior habitable area, and further including tiny houses as described in RCW 35.21.686 and further defined in WSMC Chapter 17.08 and constructed in accordance with WAC 51-51-60104 and does not have an interior habitable area greater than three hundred square feet.

B. Dwellings and buildings when appurtenant to the mobile/manufactured home park only.

C. Accessory uses and structures related to any permitted use, except home occupation.

D. Offices, restrooms, laundry, storage and recreational facilities, clubhouse, and similar uses appurtenant to the mobile/manufactured home park residents only.

E. Home occupations as defined in 17.08.290.

F. Dwelling units with at least fifty-five percent of units meeting affordable housing threshold.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020; Ord. No. 2023-12-1155, § 1, 12-20-2023)

17.36.030 - Conditional uses.

The following uses are permitted subject to approval of a conditional use permit:

A. Public and quasi-public uses related to the district.

B. Nursery schools and family child day care centers.

C. Recreational vehicle park.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020; Ord. No. 2023-12-1155, § 1, 12-20-2023)

17.36.040 - Minimum development standards.

The following are the minimum development standards for the MHRP mobile/manufactured home residential park district:

A. There shall be a minimum five-foot setback from all interior property lines. Public street frontage setback shall be not less than twelve feet from the property line, except that porches, stoops or other transitional structures may encroach up to eight feet into this frontage zone.

B. Spacing of mobile/manufactured homes.

1. There shall be a space of not less than ten feet between mobile/manufactured homes located side-by-side and parallel.
2. The spacing between mobile/manufactured homes located end-to-end shall be not less than ten feet; provided, however, where the center line, as extended, of one unit does not extend through the adjacent unit, the spacing between the two units shall not be less than five feet
3. There shall be not less than five feet between any mobile/manufactured home and any cabana, carport or other similar accessory structure related to another mobile/manufactured home nor between any mobile/manufactured home and any permanent structure.
4. The average distance between adjacent angular mobile/manufactured homes shall be not less than ten feet with the closest point being no less than five feet
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Each space shall be identified by a number, which shall be displayed with sufficient size and location to be readily visible from the adjacent roadway.

C. Each mobile/manufactured home shall be serviced by at least one twenty-foot-wide roadway to provide for two moving lanes of traffic and a four foot delineated pedestrian walkway. Where on-roadway parking is desired, the roadway width shall be increased by seven feet for each side of parking stall.

D. All roadways and parking areas shall be paved with asphalt or Portland Cement Concrete in accordance with the most current version of the city's street standards, or other alternate approved by the director of public works.

E. All street frontage setback areas shall be landscaped and maintained.

F. Landscaping and Fencing. A detailed landscape plan shall be required and include:

1. The location and materials of all fencing.
2. All plantings including the size, location, species name and method of irrigation.
3. Existing trees or significant plant groupings that are intended to remain.
4. Sight-obscuring buffer between the mobile/manufactured home park and adjacent residential district or commercial district.
5. Perimeter ground cover landscaping consisting of not less than five-foot width and established line of site requirements for driveways and intersections.
6. Individual space landscaping, common areas and open space. Sight-obscuring buffer shall consist of opaque material fencing or a solid landscape screen which shall consist of an evergreen or nearly evergreen mixture of shrubs, bushes or trees that produce a dense, sight-obscuring screen at least six-feet in height within three years of planting. Berms may be included as a sight-obscuring barrier to a maximum berm height of five feet planted on both sides with evergreen or nearly evergreen shrubs or bushes so that the total height of landscaping and berm will be at least six feet within three years of planting, and the top of the berm plantings form a dense, sight-obscuring screen within the same three-year period. Fencing materials, landscaping species and standards shall be consistent with White Salmon Municipal Code (WSMC).

G. Site plan approval is required prior to the initial construction of any mobile/manufactured home park and prior to any substantial changes thereto, or to any existing mobile/manufactured home park.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020; Ord. No. 2023-12-1155, § 1, 12-20-2023)

17.36.050 - Off-street parking.

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There shall be two off-public-street parking spaces for each mobile/manufactured home space, except that if on-street parking is provided adjacent to each home, only one off-public-street parking space is required.

Assigned parking in remote lots, including lots under the same ownership as the dwelling(s), or joint use parking under binding agreement, may be substituted if they are within two hundred feet of the subject property.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020; Ord. No. 2023-12-1155, § 1, 12-20-2023)

17.36.060 - Roadway.

Every roadway within the mobile/manufactured home park shall be named and the names clearly posted. Every mobile/manufactured home shall have a number which will be clearly visible from the roadway at all times.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.070 - Expansion or alterations of existing mobile/manufactured home residential parks.

Any mobile/manufactured home park existing or approved at the time of adoption of the ordinance codified herein may be enlarged or altered; provided all codes and ordinances of the city are complied with for that portion to be enlarged; and the enlargement is forty-nine percent or less of the area of the existing park. Where there is a proposed enlargement or alteration of an existing park to the extent of affecting higher than forty-nine percent of the area of the existing park, when such enlargement or alteration is carried out or planned, such enlargement or alteration shall require full integration of the existing park to conform to the provisions of this chapter. As sanctioned by the provisions of this section, a mobile/manufactured park can only be enlarged or altered one time without full integration of the existing park.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.080 - Eviction notices for change of use or closure of a mobile/manufactured home park.

A. Before a mobile/manufactured home park owner may issue eviction notices pursuant to a closure or change of use under Chapter 59.21 RCW, the mobile/manufactured home park owner must first submit to the city a relocation report and plan that meets the requirements of WSMC 17.36.090. If applying for a change of use, the mobile/manufactured home park owner shall submit the relocation report and plan together with all other necessary applications. Once the city determines that the relocation report and plan meets the requirements of WSMC 17.36.090, the city shall stamp their approval on the relocation report

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and plan and return a copy of the approved plan to the manufactured/mobile home park owner. If the city determines that the relocation report and plan does not meet the requirements of WSMC 17.36.090, the city may require the mobile/manufactured home park owner to amend or supplement the relocation report and plan as necessary to comply with this chapter before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile/manufactured home park may issue the twelve month eviction notice to the mobile/manufactured home park tenants. The eviction notice shall comply with RCW 59.20.080 and 59.21.030, as amended. No mobile/manufactured home owner who rents a mobile/manufactured home lot may be evicted until the twelve month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, Chapter 59.20 RCW.

(Ord. No. 2020-07-1064, § 1(Exh. A), 7-1-2020)

17.36.090 - Relocation report and plan.

A. The relocation report and plan shall describe how the mobile/manufactured home park owner intends to comply with Chapters 59.20 and 59.21 RCW, relating to mobile/manufactured home relocation assistance, and with WSMC 17.36.080 through 17.36.130. The relocation report and plan must provide that the mobile/manufactured home park owner will assist each mobile/manufactured home park tenant household to relocate, in addition to making any state or federal required relocation payments. Such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for state- required relocation assistance, and helping tenants to move the mobile/manufactured homes from the mobile/manufactured home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile/manufactured home park tenant household, and the expiration date of the lease for each household;
2. The condition, size, ownership status, HUD and State Department of Labor and Industries certification status, and probable mobility of each mobile/manufactured home occupying a mobile/manufactured home lot;
3. Copies of all lease or rental agreement forms the mobile/manufactured home park owner currently has in place with mobile/manufactured home park tenants;
4. To the extent mobile/manufactured home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile/manufactured home park tenant household;

Anyone violating or failing to comply with any of the provisions of this chapter shall, upon conviction of [illegible] a sum not exceeding Three Hundred Dollars ($300.00), or by imprisonment in the City Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment, and each day that anyone shall continue to so violate or fail to comply shall be considered a separate offense.

(Ord. 89715, § 7.020, 1960.)

22.904.400 - Reservation of mobile home lots.

All mobile home park lots shall be reserved for use by mobile homes. No recreational vehicle may displace or replace a mobile home in any mobile home lot; provided, that nothing in this chapter shall be construed to require displacement of any recreational vehicle occupying a mobile home lot on August 17, 1990 and further provided, that when a mobile home lot becomes vacant for any reason, it may not be occupied by a recreational vehicle unless the vacant mobile home lot, because of its size, irregular configuration, or inadequate utilities or facilities, cannot accommodate a mobile home.

(Ord. 115183 § 2(part), 1990.)

22.904.410 - Eviction notices for change of use or closure of a mobile home park.

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under chapter 59.21 RCW, the mobile home park owner must first submit to the Seattle Department of Construction and Inspections a relocation report and plan that meets the requirements of Section 22.904.420. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with the master use permit application. Once the Director of the Seattle Department of Construction and Inspections determines that the relocation report and plan meets the requirements of Section 22.904.420, the Director shall stamp approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Director of the Seattle Department of Construction and Inspections determines that the relocation report and plan does not meet the requirements of Section 22.904.420, the Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this Chapter 22.904 before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the 12 month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030. No mobile home park tenant who rents the mobile home in which the tenant resides may be evicted until the 12 month notice period expires, except for good cause as defined in Chapter 22.205 or Section

22.206.160. No mobile home owner who rents a mobile home lot may be evicted until the 12 month [illegible] period expires, except pursuant to the Manufactured Mobile Home Landlord-Tenant Act, chapter 59.20 RCW.

(Ord. 124919, § 127, 2015; Ord. 115183 § 2(part), 1990.)

22.904.420 - Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with chapters 59.20 and 59.21 RCW, relating to mobile home relocation assistance, and with Sections 22.904.400 through 22.904.480. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;
2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;
4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;
5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;
6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;
7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap, and Pierce Counties;
8. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;
9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and
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other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.

B. The Director of the Seattle Department of Construction and Inspections may require the mobile home park owner to designate a Relocation Coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants and the Seattle Department of Construction and Inspections and other City and State offices to ensure compliance with the relocation report and plan and with state laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Once the Director of the Seattle Department of Construction and Inspections approves the relocation report and plan, a copy of the approved relocation report and plan shall be delivered to each mobile home park tenant with the required 12 month eviction notice.

D. The mobile home park owner shall update the information required under this Section 22.904 to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

(Ord. 124919, § 128, 2015; Ord. 115183, § 2(part), 1990.)

22.904.430 - Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park or establish a change of use of a mobile home park until the mobile home park owner obtains a certificate of completion from the Seattle Department of Construction and Inspections. The Director of the Seattle Department of Construction and Inspections shall issue a certificate of compliance only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, with eviction notice requirements of RCW 59.20.080 and 59.21.030, with relocation assistance requirements of RCW 59.21.020, and any additional requirements imposed in connection with a master use permit application.

(Ord. 124919, § 129, 2015; Ord. 115183 § 2(part), 1990.)

22.904.440 - Notice of provisions.

It is unlawful to sell, lease or rent any mobile home or mobile home park rental space without advising the prospective purchaser, lessee, or renter, in writing, of the provisions of Sections 22.904.400 through 22.904.460 of this chapter.

(Ord. 115183 § 2(part), 1990.)

22.904.450 - Administration.

The Director of the Seattle Department of Construction and Inspections shall administer and enforce Sections 22.904.400 through 22.904.460 and is authorized to adopt rules and regulations consistent with and necessary to carry out these sections. Whenever an owner or an owner's agent fails to comply with the provisions of Sections 22.904.400 through 22.904.470, the Director of the Seattle Department of Construction and Inspections may deny or revoke a master use permit and/or other permits or approvals, or may, in the Director's discretion, condition any permit upon the owner's successful completion of remedial actions that the Director of the Seattle Department of Construction and Inspections deems necessary to carry out the purposes of Sections 22.904.400 through 22.904.460.

(Ord. 124919, § 130, 2015; Ord. 115183, § 2(part), 1990.)

22.904.460 - Penalties—Sections 22.904.400 through 22.904.470.

In addition to any other sanction or remedial measure imposed under this chapter, any person who fails to comply with any provision of Sections 22.904.400 through 22.904.470 or any notice, decision or order issued by the Director of Construction and Land Use pursuant to Sections 22.904.400 through 22.904.470, shall be subject to a cumulative civil penalty in the amount of Five Hundred Dollars ($500.00) per day for each day of noncompliance, measured from the date set for compliance until the person complies with the notice, decision or order, as determined by the Director of Construction and Land Use. The Director of Construction and Land Use shall notify the City Attorney in writing of the name of any person subject to the penalty, and shall assist the City Attorney to collect the penalty.

(Ord. 115183 § 2(part), 1990.)

22.904.470 - Construction of language.

For purposes of this chapter, the singular shall include the plural and vice versa, "or" shall include "and" and vice versa, and the masculine gender shall include the feminine and neutral genders.

(Ord. 115183 § 2(part), 1990.)

Chapter 22.907 - SALE OF LOW-INCOME HOUSING

22.907.030 - Notice of proposed sale of low-income multi-family rental building

A. Except as provided in this Section 22.907.030, an owner of a building having two or more housing rental units, excluding congregate residences as defined in Section 23.84A.032, any one of which rents for an amount that is affordable to households at or below 80 percent of area median income, as most recently determined by the United States Department of Housing and Urban Development for the Seattle metropolitan statistical area, shall notify the Seattle Office of Housing (OH) and the Seattle Housing Authority (SHA) of the owner's intent to

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Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 22.000.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 22.930.180. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the notice of violation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

C. Sufficiency. No notice of violation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation that the person cited is alleged to have committed or by reason of defects or imperfections, provided such defects or imperfections or lack of detail do not prejudice substantial rights of the person cited.

D. Amendment of notice of violation. A notice of violation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not prejudiced.

E. Evidence at hearing

1. The certified statement or declaration authorized by RCW 5.50.050 submitted by the Director shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the Director authorized under RCW 5.50.050 and any other evidence accompanying the report shall be admissible without further evidentiary foundation.

2. Any certifications or declarations authorized under RCW 5.50.050 shall also be admissible without further evidentiary foundation. The person cited may rebut the evidence and establish that the cited violations did not occur or that the person contesting the notice of violation is not responsible for the violation.

F. Disposition. If the notice of violation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in Section 22.930.160 if the violation has been corrected. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the notice of violation.

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review shall be commenced by applying for a writ of review in the King County Superior Court within 14 days from the date of the decision in accordance with the procedure set forth in chapter 7.16 RCW, other applicable laws, and court rules.

(Ord. 126959, § 15, 2023; Ord. 125002, § 1, 2016.)

B. A response to an administrative decision shall be received by the Office of the Hearing Examiner no later than 15 days after the date the administrative decision is mailed or served. When the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the

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22.930.190 - Failure to appear for notice of violation hearing

Failure to appear for requested hearing shall result in an order being entered finding that the person cited committed the violation stated in the notice of violation and assessing the penalty specified in the notice of violation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

(Ord. 125002, § 1, 2016.)

22.930.200 - Collection of notice of violation penalties

If the person cited fails to pay a penalty imposed pursuant to this Chapter 22.930, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

(Ord. 125002, § 1, 2016.)

22.930.210 - Referral to City Attorney for enforcement

If a person fails to correct a violation or pay a penalty, the OSE Director shall refer the matter to the City Attorney's Office for civil enforcement action. Civil actions to enforce a violation shall be brought exclusively in Municipal Court.

(Ord. 125002, § 1, 2016.)

22.930.220 - Appeal to Superior Court

Because civil enforcement actions under this Chapter 22.930 are brought exclusively in Municipal Court, notices of violations are not subject to judicial review under chapter 36.70C RCW. Instead, final decisions of the Municipal Court may be appealed under the Rules for Appeals of Decisions of Courts of Limited Jurisdiction.

(Ord. 125002, § 1, 2016.)

‹ 22.900I.020 - Tenant relocation assistance application fees

Title 23 - LAND USE CODE ›