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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY EXECUTIVE
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 08-070¹

RELATING TO GROWTH MANAGEMENT, ADOPTING AN INTERIM ZONING ORDINANCE
REGULATING THE USE OF MOBILE HOME PARKS, ADOPTING INTERIM ZONING
MAPS, AMENDING SCC 30.22.130, DECLARING AN EMERGENCY,
AND SETTING A HEARING DATE

WHEREAS, the Council recognizes that decent housing in a suitable living environment is essential to the pursuit of a vital economy and a healthy community; and

WHEREAS, the Growth Management Act (GMA) and the Snohomish County Comprehensive Plan recognize the importance of availability of housing that people can afford as a pivotal element in the success of our communities; and

WHEREAS, nationwide, about fifty-five thousand manufactured home park communities are home to roughly ten million residents, or three million five hundred thousand families, of which seventy-five percent are considered low-income; and

WHEREAS, in many markets, homes in manufactured home park communities tend to remain affordable, compared to homes on fee-simple land; and

WHEREAS, new manufactured homes generally sell for about a quarter of the price of new single-family units, with median sales prices for new manufactured homes at fifty-one thousand dollars compared to two hundred twenty thousand dollars for new single-family units, according to the 2005 United States Census; and

WHEREAS, preserved resident-owned communities can remain accessible to low-income families as homes in these communities gain acceptance as a home ownership asset from low-income mortgage programs like the American Downpayment Dream Initiative and the dozens of other demand-side programs; and

WHEREAS, although manufactured home park closures and resident displacement is not a new threat to their residents and families, an ever-growing number of manufactured home park communities are coming under threat of closure as cities, suburbs and outlying areas expand and the underlying property becomes increasingly valuable for development; and

WHEREAS, manufactured home park community residents are vulnerable to displacement because, although they own their homes, they do not own the land upon which their homes rest; and

WHEREAS, this expanding pace and scale of closures has sent thousands of mostly low- and moderate-income manufactured home owners scrambling to relocate; and

¹ The reference in section 3.A of this Ordinance to "SCC 30.21.025(1)(a)(4)" is a typographical error. The correct citation is "SCC 30.21.025(1)(b)(iv)."

WHEREAS, although they are commonly referred to as "mobile" homes, this is misleading because most manufactured homes are not easily moved. In fact, most manufactured homes are not moved again once they leave the dealer's lot, due to the high expense of moving and the potential for significant structural damage during a move, especially for older manufactured homes; and

WHEREAS, even though most residents of manufactured home parks are long-term members of their local communities, when a park owner decides to sell, the residents usually find themselves faced with eviction and few alternative rental spaces which would allow them to maintain ties with their local communities; and

WHEREAS, several factors are driving the closures, such as landowners having the opportunity to make large profits because of rising land values and the cost of maintaining often-deteriorating infrastructure within manufactured home parks; and

WHEREAS, on June 1, 2006, the County launched "Everyone at Home Now," a 10-year strategic plan to provide safe and affordable housing to all citizens of Snohomish County and end homelessness in Snohomish County by 2016; and

WHEREAS, on April 25, 2007, the County Council adopted Ordinance No. 07-029 creating the Mobile Home Park zone to promote the voluntary retention of mobile home parks as a source of affordable detached single-family and senior housing; and

WHEREAS, Ordinance 07-029 has not achieved its intended result, because there have been no applications for voluntary application of the Mobile Home Park zone and the displacement of mobile home park residents continues unabated; and

WHEREAS, on March 19, 2008, the County Council adopted Resolution No. 08-011, expressing the Council's intent to take action for the preservation of affordable housing opportunities within mobile home parks, including imposing a temporary moratorium on conversions of mobile home parks until research on outcomes of those conversions can be completed; and

WHEREAS, the County Council is in the process of reviewing and adopting new or revised regulations for preserving affordable housing opportunities within mobile home parks; and

WHEREAS, the county should work with residents, land owners, local officials and often banking institutions to preserve and expand affordable housing for low income individuals and families and develop and negotiate solutions that will allow manufactured home park residents to gain the stability they and their families need;

WHEREAS, the conversion of existing mobile home parks to alternative uses such as condominium, townhome or commercial developments could displace hundreds of people and could result in losing mobile home parks as an option for affordable housing; and

WHEREAS, RCW 36.70A.390 provides that the County Council may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim official control; and

WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted under RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development;

NOW, THEREFORE, BE IT ORDAINED

Section 1. The county council makes the following findings of fact and conclusions:

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. Mobile home parks provide an affordable home ownership opportunity.
- C. The “highest and best use” of real property located within the mobile home park zone will be as a mobile home park, thereby removing a disincentive to retaining use of property as a mobile home park.
- D. This ordinance will help to maintain the long-term preservation of mobile home parks.
- E. The proposed code amendments implement GMACP HO Policies 1.B.1 and 1.B.3.
- F. This ordinance addresses an emergency within the County by slowing the conversion of mobile home parks to alternate uses, which is necessary for the immediate preservation of the public peace, health, and safety and for the support of county government and its existing public institutions;
- G. The amendments to Title 30 SCC adopted by this ordinance comply with the GMA requirement to adopt development regulations that are consistent with and implement the GMACP.
- H. The amendments to Title 30 SCC adopted by this ordinance are consistent with the countywide planning policies for Snohomish County and with the multi-county policies adopted by the Puget Sound Regional Council.
- I. The amendments to Title 30 SCC adopted by this ordinance satisfy the procedural and substantive requirements of and are consistent with the GMA.
- J. The amendments to Title 30 SCC adopted by this ordinance bear a substantial relationship to the public health, safety and welfare.

Section 2. Snohomish County Code Section 30.22.130, last amended by Ordinance No. 07-029 on May 10, 2007, is amended to read:

30.22.130 Reference notes for use matrix.

- (1) Airport, Stage 1 Utility:
 - (a) Not for commercial use and for use of small private planes; and
 - (b) In the RU zone, they shall be primarily for the use of the resident property owner.
- (2) Day Care Center:
 - (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
 - (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.

(106) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.

(107) RESERVED for future use (R-5 w/MRO - DELETED by Ord. 07-090 effective September 21, 2007)

(108) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) and located within the NB or PCB zones may include the permitted uses in these zones. Uses listed in SCC 30.34A.100(5) and conditional uses in the NB and PCB zones are prohibited in these projects.

(109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county codes.

(110) Recreational Facility Not Otherwise Listed: Playing fields permitted in accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(111) Recreational Facility Not Otherwise Listed: Playing fields not permitted in accordance with chapter 30.33B SCC are allowed as an Administrative Conditional Use (A) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(112) Land zoned R-5 and having an RA overlay, depicted as R-5-RA on the official zoning map, is a Transfer of Development Rights (TDR) receiving area and, consistent with the comprehensive plan, will be retained in the R-5-RA zone until regulatory controls are in place which ensure that TDR certificates issued pursuant to SCC 30.35A.050 will be required for development approvals within the receiving area.

(113) Privately operated motocross racetracks are allowed by conditional use permit, and are regulated pursuant to SCC 30.28.100, SCC 30.28.105, and other applicable county codes. Motocross racetracks are allowed in the Forestry and Recreation (F&R) zone only on commercial forest lands.

(114) Mobile Home Park zone:

~~(a) ((A parcel of land may only be rezoned from an urban zoning designation to Mobile Home Park zone at the request of the property owner and in accordance with chapter 30.42A SCC.))~~ The Mobile Home Park zone is intended to promote the retention of mobile home parks as a source of affordable detached single-family and senior housing. This zone is assigned to certain existing mobile home parks which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future redevelopment.

~~(b) ((The Mobile Home Park zone shall only be applied to property where an existing mobile home park is located and regulated either by a conditional use permit or as a nonconforming use.))~~

~~(c) The only use permitted in the Mobile Home Park zone is mobile home parks. No other use is permitted on property zoned Mobile Home Park.~~ For any mobile home park regulated by a conditional use permit, an application for vacation of the conditional use permit must be submitted for approval concurrently with rezone approval.

~~((d) Upon approval, the Mobile Home Park zone shall not be changed to another zone for a period of five years.))~~

(115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

Section 3. The county council hereby adopts the following interim official control and interim zoning maps:

A. The Mobile Home Park zone, as described in SCC 30.21.025(1)(a)(4) and SCC 30.22.130(114), as amended by this ordinance, shall apply to those properties with existing mobile home parks identified in exhibits A through W, which exhibits are attached hereto and incorporated by reference and are hereby adopted as interim zoning maps.

B. The interim zoning maps adopted in subsection 3.A shall be effective for six months, subject to section 4.

Section 4. Public hearing. The county council will hold a public hearing on this matter on Wednesday, June 25, 2008, at the hour of 1:30 p.m. in the Henry M. Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, for the purpose of hearing public testimony on this matter in accordance with RCW 36.70A.390. The notice for the public hearing shall specifically indicate that this ordinance may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 5. The county council requests that prior to the public hearing to be held on this ordinance, the county executive devise a work plan to complete review, analysis and recommendations for affordable housing in the county, and expeditiously review existing regulations and propose any policies and regulations deemed appropriate to serve the public health, safety, and welfare in Snohomish County.

Section 6. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be ruled to be invalid or unconstitutional by the Growth Management Hearings Board or a court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance, and the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

PASSED this 23rd day of April, 2008.

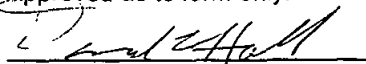
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council *10/08/08*

Approved as to form only:


Deputy Prosecuting Attorney

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