

**CITY OF WHITE SALMON
ORDINANCE 2020-07-1064**

**AN ORDINANCE REPEALING WHITE SALMON MUNICIPAL CODE 17.36 -
MHR MOBILE HOME RESIDENTIAL DISTRICT, ADDING NEW
CHAPTER 17.36 - MHRP MOBILE/MANUFACTURED HOME RESIDENTIAL
PARK DISTRICT AND PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, City's Comprehensive Plan House Goal (H-2.6) states both site-built and manufactured housing shall be recognized as necessary and functional housing although special standards in placement and locations will apply to each; and

WHEREAS, the City finds the current White Salmon Municipal Code 17.36 - MHR Mobile Home Residential District fails to ensure affordable mobile and manufactured housing is preserved in this community as an option for workforce housing; and

WHEREAS, the City is presently in a moratorium to allow code changes that will protect and promote workforce and affordable housing as required by its Comprehensive Plan; and

WHEREAS, the City wishes to modify its code to further this goal.


NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON, WASHINGTON DO HEREBY ORDAIN as follows:

SECTION 1. White Salmon Municipal Code Chapter 17.36 - MHR Mobile Home Residential District is hereby repealed in its entirety and a new White Salmon Municipal Code Chapter 17.36 MHRP Mobile/Manufactured home Residential Park District is hereby adopted as set forth in Exhibit A attached hereto and by this reference incorporated herein.

SECTION 2 – SEVERABILITY. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.


SECTION 3 – EFFECTIVE DATE. This ordinance shall take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of White Salmon at a regular meeting
this 1st day of July, 2020.




Marla Keethler, Mayor

ATTEST:



Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney

Exhibit "A"

**CHAPTER 17.36 – MHRP MOBILE/MANUFACTURED HOME RESIDENTIAL
PARK DISTRICT**

Sections:

- 17.36.010 Purpose/Transfer of MHRP Zone**
- 17.36.020 Permitted uses.**
- 17.36.030 Conditional uses.**
- 17.36.040 Minimum development standards.**
- 17.36.050 Off-street parking.**
- 17.36.060 Roadway.**
- 17.36.070 Expansion or alteration of existing mobile/manufactured home parks.**
- 17.36.080 Eviction notices for change of use or closure of a mobile/manufactured home park.**
- 17.36.090 Relocation report and plan.**
- 17.36.100 Certificate of completion of the relocation report and plan.**
- 17.36.110 Notice of provisions.**
- 17.36.120 Administration.**
- 17.36.130 Appeal.**
- 17.36.140 Use exception**
- 17.36.150 Closure and government sponsorship.**
- 17.36.160 Additional requirements.**
- 17.36.170 Building permit required.**
- 17.36.180 Required tie-downs.**

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".

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 (2) 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 720 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 400 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.

17.36.030 Conditional uses.

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

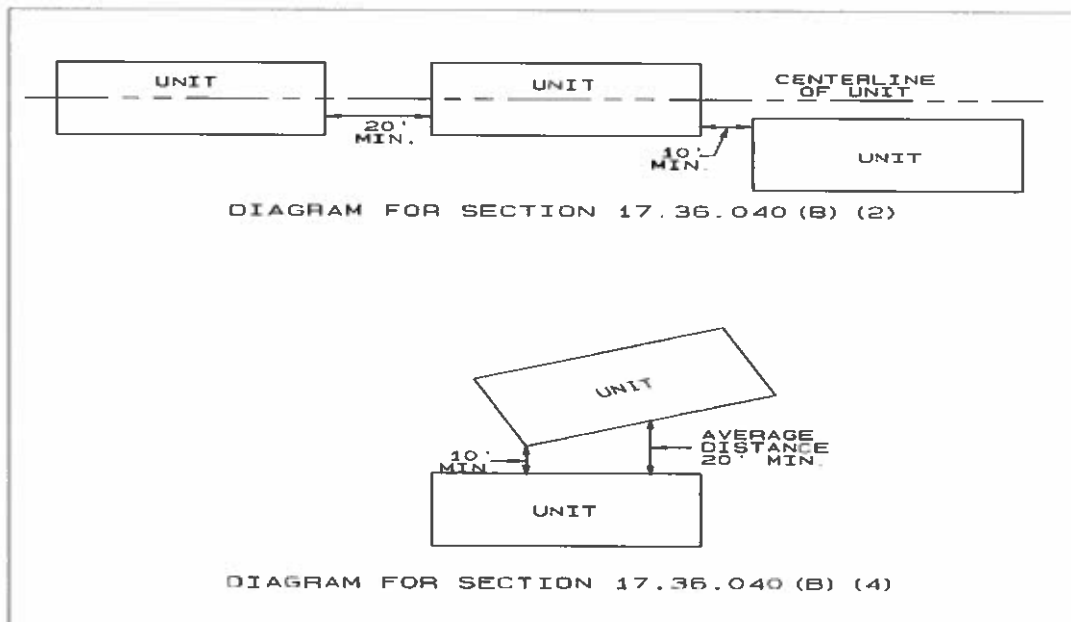
- A. Home occupations.
- B. Public and quasi-public uses related to the district.
- C. Nursery schools and family child day care centers.
- D. Recreational vehicle park.
- E. Dwelling units with at least 55 percent of units meeting affordable housing threshold.

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 ten-foot setback from all interior property lines. Public street frontage setback shall be not less than twenty-five (25) feet from the property line.
- B. Spacing of mobile/manufactured homes.

1. There shall be a space of not less than twenty (20) 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 twenty (20) 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 ten (10) feet (See Diagram 17.36.040 (B) (2)).
3. There shall be not less than ten (10) 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 twenty (20) feet with the closest point being no less than ten (10) feet (See Diagram 17.36.040 (B) (4)).
5. Each site shall be equipped with a storage shed not less than sixty (60) square feet of storage space.
6. 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 thirty (30) foot wide roadway to provide for two moving lanes of traffic and a four (4) foot

delineated pedestrian walkway. Where on-roadway parking is desired, the roadway width shall be increased accordingly.

- 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.
- 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.

17.36.050 Off-street parking.

There shall be two off-public-street parking spaces for each mobile/manufactured home space.

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.

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.

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 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 (12) 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 (12) month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, Chapter 59.20 RCW.

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;
 5. To the extent mobile/manufactured home park tenants voluntarily make such information available, a confidential listing of gross annual income for each mobile/manufactured home park tenant household;
 6. An inventory of relocation resources, including available mobile/manufactured home spaces in Klickitat, Skamania, Yakima and Benton Counties;

7. Actions the mobile/manufactured home park owner will take to refer mobile/manufactured home park tenants to alternative public and private subsidized housing resources;
 8. Actions the mobile/manufactured home park owner will take to assist mobile/manufactured home park tenants to move the mobile/manufactured homes from the mobile/manufactured home park;
 9. Other actions the owner will take to minimize the hardship mobile/manufactured home park tenant households suffer as a result of the closure or conversion of the mobile/manufactured home park; and
 10. A statement of the anticipated timing for park closure.
- B. The City or designee may require the mobile/manufactured home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile/manufactured home park tenants, the City and state offices to ensure compliance with the relocation report and plan and with state laws governing mobile/manufactured home park relocation assistance, eviction notification, and landlord/tenant responsibilities.
- C. The owner shall make available to any mobile/manufactured home park tenant residing in the mobile/manufactured home park copies of the proposed relocation report and plan, with confidential information deleted. Within fourteen (14) days of the City Planning Department approval of the relocation report and plan, a copy of the approved relocation report and plan shall be mailed by the owner to each mobile/manufactured home park tenant. Tenants may request and the owner must provide the report to be delivered a native language, or in another media as necessary to accommodate any visual impairment needs.
- D. The mobile/manufactured home park owner shall update with the City Planning Department office the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

17.36.100 Certificate of completion of the relocation report and plan.

No mobile/manufactured home park owner may close a mobile/manufactured home park or obtain final approval of a comprehensive plan or zoning re-designation until the mobile/manufactured home park owner obtains a certificate of completion from the City Planning Department. The City Planning Department shall issue a certificate of completion only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, the eviction notice requirements of RCW 59.20.080

and 59.21.030, the relocation assistance requirements of RCW 59.21.021, and any additional requirements imposed in connection with required City applications.

17.36.110 Notice of provisions.

It is unlawful for any party to sell, lease, or rent any mobile/manufactured home or mobile/manufactured home park rental space without providing a copy of any relocation report and plan to the prospective purchaser, lessee, or renter, and advising the same, in writing, of the provisions of WSMC 17.36.080 through 17.36.130 and the status of any relocation report and plan.

17.36.120 Administration.

The City Planning Department shall administer and enforce WSMC 17.36.080 through 17.36.130. Whenever an owner or an owner's agent fails to comply with the provisions of WSMC 17.36.080 through 17.36.130, the following may occur:

- A. The City may deny, revoke, or condition a certificate of completion, a permit, or another approval;
- B. Any other appropriate City official may condition any permit or other approval upon the owner's successful completion of remedial actions deemed necessary by the City carry out the purposes of WSMC 17.36.080 through 17.36.130.

17.36.130 Appeal.

Any appeal from a determination of the City Planning Department under WSMC 17.36.080 (A), WSMC 17.36.100, and WSMC 17.36.120(A) shall be an open record hearing filed within fourteen (14) days of the determination and be processed in accordance with the procedures established for Type V applications (waiving Planning Commission recommendation – City Council decision final) under WSMC Title 19.

17.36.140 Use exceptions.

- A. A mobile/manufactured home park owner may request a use exception or modification from the application of the MHRP zoning to their property as set forth below.
- B. The property owner shall submit a site plan application showing building footprint, streets, walkways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting and landscaping. In addition, the property owner shall submit a written explanation of the reasons for use exception or modification and provide a report describing the proposed use with documentation demonstrating that application of the MHRP zoning meets the criteria below.

- C. The City Council may approve the property owner’s request for a use exception or modification if the property owner demonstrates:
 - 1. They do not have reasonable use of their property under the MHRP zoning; or
 - 2. The uses authorized by the MHRP zoning are not economically viable at the property’s location.

If the request is granted by the City Council and the City determines that a zone change is required, the applicant shall be financially responsible for all associated costs related to the zone change.

- D. In addition to the application, a relocation report and plan shall be submitted the City Planning Department pursuant to WSMC 17.36.090; and the eviction notices procedures provided for in WSMC 17.36.080 through 17.36.130 shall apply.
- E. Except as otherwise provided herein, the application shall be reviewed as a WSMC 19.10 Type V review (waiving Planning Commission recommendation – final decision made by City Council), and the Council’s decision may be appealed to Klickitat County superior court.

17.36.150 Closure and government sponsorship.

- A. If an eminent domain action by a federal, state, or local agency causes closure of a mobile/manufactured home park and the procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. 4601 et seq., and the regulations of 49 CFR Part 24 or the Relocation Assistance – Real Property Acquisition Policy Act of Chapter 8.26 RCW and the regulations of Chapter 468-100 WAC are followed, the requirements of those acts and regulations will supersede the requirements of WSMC 17.36.080 through 17.36.170.
- B. If a condemnation action of the City causes closure of a mobile/manufactured home park, the City will be responsible for fulfilling the requirements of the standards contained herein. If the City chooses to follow portions of the state act and regulations and the City determines that there is a conflict or redundancy between the portions of the state act and regulations being followed by the City, and the standards contained herein, the state act shall take precedence in such areas of conflict or redundancy. If the state act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein.

17.36.160 Additional Requirements.

- A. No manufactured or mobile home shall be moved into the City limits of White Salmon without prior authorization of the City, placement permit issued by the City Building Inspector and HUD and Washington State Labor and Industry inspection tag. The owner will need to provide picture and other document evidence that the manufactured or mobile home is in good or better condition and suitable for living.
- B. No manufactured or mobile home may be altered or added to without a Washington State Labor and Industry permit and City building permit if applicable.
- C. No manufactured or mobile home, or any addition or accessory building thereto, may be placed upon a lot in any MHRP District without first obtaining a building permit and sewer and water connection permits, and authorization, from the building inspector. Any required fees shall be in accordance with the current City Fee Schedule.
- D. Any attached addition or attached accessory building shall be compatible with the design, color and exterior covering, including roofing, to the manufactured or modular home.
- E. Any addition or accessory structures or building shall be in compliance with all applicable WSMC and building codes.
- F. All water, sewer and storm-water shall comply with the most current State laws and City standards and regulations. Connections shall be made to the City utility system, if available and applicable. The sewer connection shall be provided with suitable fittings so that a watertight connection shall be so constructed that it can be closed and locked, when not linked to a dwelling, and shall be capped so as to prevent any escape of odors.
- G. All equipment, including but not limited to tires, wheels and axles, which are needed to transport the structure to the site shall be removed from the structure, and said structure shall be attached to a permanent foundation or anchored to the ground in accordance with manufacturer's requirements and/or as approved by the building inspector.

17.36.170 Building permit required.

Issuance of a building permit is required prior to commencement of construction of any permanent improvements within any new mobile/manufactured home park and prior to any enlargement, alteration or addition to any permanent improvements within any existing mobile/manufactured home residential park. The fees for said building permit

shall be based on the cost of construction for said permanent improvements, and shall include such things as roadways, walkways, parking areas, permanent structures and other similar types of construction activities.

17.36.180 Required tiedowns.

All mobile/manufactured homes shall be tied down/anchored in accordance with manufacturer's recommendations. If a manufacturer recommendation cannot be provided, the mobile/manufactured homeowner shall provide the building inspector with an engineered stamped plan as to how the mobile/manufactured home is to be tied down.