

City of Blaine
Request for Council Action
Meeting Date: September 11, 2023

Subject: Manufactured Home Parks

Department: Community Development Services

Prepared By: _____
(Digital Signature)

Agenda Location: Consent Agenda Council Action Unfinished Business

Action Needed:

At the direction of City Council during their August 14, 2023 meeting, staff has provided Resolution 1929-23 authorizing the CDS Department to reinstate the text amendment process for manufactured home park regulations as both a citizen initiated text amendment and a Council initiated text amendment.

Attachments:

1. Letter from Inger Brockman dated August 3rd, 2023
 2. Resolution 1929-23
 3. Memorandum from Director Pratschner to the Planning Commission on manufactured home parks
-

Background/Summary:

- An application for a BMC text amendment was made by East Harbor Hills, LLC on Dec. 30, 2021.
- The SEPA Determination of Non-Significance was issued on October 5th, 2022 and the public hearing process commenced on December 8th, 2022.
- On May 4th, 2023 the applicant submitted a letter to the City proposing the withdrawal the text amendment request.
- BMC is silent on processes and provisions authorizing the withdrawal of an application.
- Council nor staff have taken official action on the proposed withdrawal of the application.
- On May 22nd, 2023 an emergency moratorium on new manufactured home park development was passed by Council.
- On July 10th, 2023 Council held a public hearing on the manufactured home park moratorium and directed staff to amend the code conflicts that prevent the development of manufactured home parks.
- On August 3rd, 2023 the City received a letter from the applicant rescinding the proposed withdrawal of the text amendment application and requested reinstatement of the application.
- The applicant's text amendment request would resolve the inconsistencies in the BMC and provide a basis for the termination of the moratorium.
- During the development review process the City will have the opportunity to review impacts to the aquifer, traffic, storm drainage, density and many other aspects of the project consistent with any PUD

application review by the City. Additionally, the City will require a manufactured home park to meet the following additional requirements:

- Open/common spaces
- A 20-foot buffer around perimeter
- A 15-foot-wide vegetative screening reducing visibility of the development by 75%
- Safe vehicular access from public streets
- 30-foot minimum street widths
- 76-foot radius cul-de-sacs
- A minimum of 2 paved off-street parking spots
- Guest and service parking of 1 spot to 4 manufactured homes
- Permanent underground utility utilities
- 20% of the park is required to be maintained as open space
- Pedestrian walkways
- Illuminated internal streets sized and located to avoid adverse impacts on adjacent properties
- Street trees and parkway plantings on areas that abut public roads
- All trees, flowers, lawns and other landscaping shall be maintained by park management in a healthy and growing state
- Parking and bulk storage areas must be screened consistent with 17.126
- Outside storage is prohibited
- 100 feet of indoor storage is required for each manufactured home
- Bulk storage for boats, RV's, campers, etc. shall be provided or the storage must be prohibited by the park HOA
- Lot coverage may not exceed 50%
- Manufactured homes must be at least 10 feet from each other and 10 feet from the front lot line
- Manufactured homes must be set on a permanent foundation
- Manufactured homes must be at least 24 feet wide, 36 feet long and comprised of at least two sections
- Manufactured homes must comply with design standards applicable to other homes in the neighborhood
- Manufactured homes must comply with the state energy code
- Manufactured homes must comply with all building regulations applicable to single family dwelling units
- The park shall have internal rules and regulations governing the installation or modification of the homes, the homeowners compliance with municipal zoning regulations, and the homeowners compliance with all the landscaping, buffer areas, recreational areas, streets, walkways, common areas, etc.
- Blaine Municipal Court has jurisdiction over the park owner if enforcement compliance is commenced

Budget Implications: Current Budget New Budget Request Non-Budgetary

Recommendation:

Option 1: Council approves Resolution 1929-23, the text amendments are joined, the process is handed back to the Planning Commission for a public hearing and subsequent recommendation to the Council on the applicants original text amendment request.

Option 2: Council takes no action on Resolution 1929-23, allows applicants text amendment to proceed and directs staff to cease work on the City initiated text amendment.

Option 3: The applicant's text amendment proceeds through the process and the Council directs staff to move forward on a City initiated text amendment.

Staff recommends option 1, approval of Resolution 1929-23.

Reviewed By:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)



Montgomery Purdue PLLC
701 Fifth Avenue
Suite 5500
Seattle, WA 98104-7096
(206) 682-7090 TEL
(206) 625-9534 FAX

Inger C. Brockman
ATTORNEY AT LAW
brockman@montgomerypurdue.com

August 3, 2023

VIA E-MAIL (SPratschner@cityofblaine.com)

City of Blaine
Community Development Services
435 Martin Street, Suite 3000
Blaine, WA 98230

Re: Private Amendment Request/application for Land Use &
Development Zoning Text Amendment (“Application”)

Dear Ms. Pratschner:

I write on behalf of East Harbor Hills, LLC, the “Applicant” in the above referenced Application. Applicant previously requested the Application be withdrawn in favor of an administrative interpretation of the Blaine Municipal Code. Subsequently, Council passed emergency moratorium(Ord. No. 23-2997 (“Moratorium”) prohibiting any applications for Manufactured Home Parks, citing inconsistencies within the Blaine Municipal Code (BMC) with respect to Manufactured Home Parks. On July 10, 2023, after a public hearing, we understand that the Council confirmed that manufactured home parks shall remain a permitted use within the Planned Residential zone and directed staff to expeditiously resolve the inconsistencies in BMC with respect to Manufactured Home Parks within the PR Zone when using the PUD process.

Applicant hereby rescinds its request to withdraw the Application and requests reinstatement of its Application consistent with our understanding of Council’s direction with respect to the priority work plan of City Staff to resolve inconsistencies in the Blaine Municipal Code. Accordingly, we propose that the Application may be processed in lieu of or in coordination with a Council initiated text amendment of the same scope, thereby most expeditiously resolving the inconsistencies of the BMC of concern in the Moratorium and allowing for the Moratorium be lifted contemporaneously with the completion of the text amendment proposed in the Application.

Sincerely,

Inger C. Brockman

August 3, 2023
Page 2

ICB:eh

cc: Skip and Katie Jansen (skip@jjjcorp.com)
Craig Parkinson (craig@cascadecivil.com)
Peter Ruffatto (pruffatto@csdlaw.com)

RESOLUTION NO. 1929-23

A RESOLUTION OF THE CITY OF BLAINE COUNCIL DIRECTING STAFF TO REINSTATE THE TEXT AMENDMENT PROCESS FOR MANUFACTURED HOME PARK REGULATIONS AS BOTH A CITIZEN INITIATED TEXT AMENDMENT AND A COUNCIL INITIATED TEXT AMENDMENT

WHEREAS, on December 30, 2021, East Harbor Hills, LLC (the “Applicant”) submitted an application to the City to amend the Blaine Municipal Code (“Code”) text related to development of manufactured home parks, under permit No. 2022002, which is attached hereto as **Exhibit A** (the “MHP Text Amendment Request”);

WHEREAS, the City staff commenced processing the MHP Text Amendment Request by issuing a staff report on December 1, 2022, issuing a SEPA Determination of Non Significance on October 5, 2022 (SEPA Number 2022003), and commencing the public hearing process before the City Planning Commission with a public hearing held on December 8, 2022;

WHEREAS, pursuant to BMC 17.04, the MHP Text Amendment has been processed through steps 1 - 3 of BMC 17.04.050.B., which included the process described above and the remaining steps would include an additional public hearing before the Planning Commission, as appropriate, a recommendation by the Planning Commission, a staff report (with the recommendation and findings of the Planning Commission), preparation of an ordinance, and further review by City Council.

WHEREAS, on May 4, 2023, prior to the City Planning Commission making a recommendation to the City Council regarding the MHP Text Amendment Request, the Applicant submitted a letter proposing to withdraw the MHP Text Amendment Request, though the municipal code contains no express provision authorizing the withdrawal of a citizen-initiated request for a text amendment and Council did not take affirmative action on the proposed withdrawal;

WHEREAS, on May 22, 2023, Council passed Ordinance No. 23-2997 imposing a moratorium on applications for manufactured home parks (“Moratorium”), recognizing, among other things, inconsistencies within the Code for regulating manufactured home parks;

WHEREAS, on July 10, 2023, following a public hearing on the Moratorium, Council passed Ordinance No. 23-3002 that continued the Moratorium and further recognized the need to clarify Code regulations regarding manufactured home parks;

WHEREAS, State law provides that moratoriums should generally have a duration of no more than six months, though extensions are allowed;

WHEREAS, on July 10, 2023, as part of its discussion of the Moratorium, Council provide direction to City staff to develop Code provisions that resolve the inconsistencies within the Code and thus authorized City staff to proceed with a text amendment regarding manufactured home parks;

WHEREAS, by letter dated August 3, 2023, the Applicant rescinded its proposed withdrawal of its application and requested the City to reinstate the MHP Text Amendment Request process to resolve Code inconsistencies and proposed that its application may be processed in lieu of or in coordination with a Council initiated text amendment of the same scope;

WHEREAS, the MHP Text Amendment Request, when reinstated and if approved, would resolve the inconsistencies within the Code and allow for manufactured home parks in the PR Zone, including within PUDs, and would provide a basis for termination of the Moratorium; and

WHEREAS, on August 14, 2023 the City Council held a work session on existing regulations in the BMC for manufactured home parks; and

WHEREAS, as provided by BMC 17.04.030, a process for amendments to the Code may be authorized by City Council, in addition to those initiated at the request of citizens, and City Council periodically authorizes and directs City staff to proceed with the process for Code amendments, doing so by Council resolution.

NOW, THEREFORE, BE IT RESOLVED that, given the substantial public process that has occurred to date in accordance with BMC 17.04, the lack of any express code provisions for the withdrawal of citizen initiated text amendments, the Applicant's request to reinstate the MHP Text Amendment Request, and the limited duration of the moratorium as prescribed by law, Council directs staff to reinstate the MHP Text Amendment Request process as both a citizen initiated text amendment (BMC 17.04.030.D) and as a Council initiated text amendment (BMC 17.04.030.C), proceed with the process by scheduling a public hearing before the Planning Commission, and accept public comment on the MHP Text Amendment Request according to BMC 17.04.050.B.3. Further, the direction provided in this Resolution is intended to satisfy the work plan contemplated in Ordinance No. 23-3002.

City of Blaine

Mayor

City Clerk

EXHIBIT A
PROPOSED AMENDATORY LANGUAGE

Proposed PUD Text Amendment
Title 17 Land Use and Development
Chapter 17.68 Planned Unit Developments (PUD)

BMC 17.68.120.A.1 – Eliminate the underlined portion of the following section:

- Any residential use or mixture of residential uses, **excluding manufactured and mobile homes**, as permitted under BMC 17.68.

BMC 17.68.303.B Table 17.68.C – Add the right-most columns to the following table:

Table 17.68.C								
	SFD	Accessory Dwelling Unit	Attached SFD	Duplex	Townhouse	Multifamily Dwelling	Mobile/Manufactured & Modular Homes	Manufactured Home Park
SF-1	x	x						
SF-2	x	x	x					
RL	x	x						
RM	x	x	x	x	x			
RH				x	x	x		
PR	x	x	x	x	x	x	x	x
RPR	x	x	x	x	x	x		
RO	x				x	x		



CITY OF BLAINE

COMMUNITY DEVELOPMENT SERVICES

DEPARTMENT 435 MARTIN STREET, STE. 3000 • BLAINE, WA • 98230

PHONE: (360) 332-8311 • FAX: (360) 543-9978 • WEBSITE: www.cityofblaine.com

Agenda Item Summary

Zoning Text Amendments: East Harbor Hills LLC (Permit #2022002)

Meeting Date: February 9, 2023
Staff Contact: Stacy Clauson

Agenda Item Number: 7a

ISSUE STATEMENT

Blaine Municipal Code (BMC) Chapter 17.04 establishes the process for amendments to the Zoning Code, which includes a public hearing before the Planning Commission, who recommends action on the amendment request to City Council. The City Council is the decision-maker for text amendments.

The City is in receipt of a citizen request and application for a Zoning Text Amendment to amend the Title 17 of the Blaine Municipal Code as follows:

1. Amend Blaine Municipal Code Chapter 17.68 – Planned Unit Developments (PUD) to allow manufactured home parks and manufactured homes as an allowed use within a PUD in the [Planned Residential zone](#).

This Zoning Text Amendment is being brought back to the Planning Commission for continued deliberation and recommendation.

Please note that the public hearing portion of this legislative procedure has been closed, and additional public testimony or submittal of additional materials cannot be received by the Planning Commission, unless the public hearing is reopened.

BACKGROUND

City Council authorized work on these Zoning Text Amendments under Resolution 1881-22. The Planning Commission held an initial study session to introduce the amendment at their August 11, 2022 meeting.

At the December 8, 2022 meeting, the Planning Commission held a public hearing, hearing testimony from the applicant and community members, closed the public hearing, and began deliberation on the amendment request. The Planning Commission voted to continue deliberation discussion to the January 12, 2023 meeting. This meeting was cancelled and, as a result, the continued deliberations have been scheduled for the February 9th meeting.

PLANNING COMMISSION OPTIONS

As part of the deliberations, the Planning Commission will make a recommendation to City Council as

required by BMC 17.04.050.B.5 as to whether the amendments should be:

1. Approved;
2. Approved with modifications; or
3. Denied.

BMC [17.04.050.B.4](#) requires the Planning Commission to evaluate and deliberate on the amendment's in relationship to the following:

- a. Goals, policies and objectives of the comprehensive plan; and
- b. Compliance with any other special provisions as provided by BMC [17.04.080](#).

The Department's analysis of the request's procedural, legal, and factual compliance with the BMC is in the staff report provided to the Planning Commission at the December 8, 2022 meeting, which is available here: https://www.ci.blaine.wa.us/DocumentCenter/View/18809/AgendaItem5_East-Harbor-Hills-LLC-ZTA

Specifically, refer to pages 14-15 of 102. This analysis indicates that the proposal is generally consistent with the applicable code criteria.

The Commission per BMC 17.04.050.B.6 shall develop findings of fact to support their recommendation of approval, approval with modifications, or denial. The findings of fact should address how the proposal is or is not consistent with the criteria of approval contained in BMC [17.04.050.B.4](#). These findings will then be included in the planning commission's recommendation to City Council.

SUGGESTED MOTION

The following are provided as potential motion alternatives.

"I make a motion to recommend:

Option 1. Approval of the Zoning Text Amendments to amend Blaine Municipal Code Chapter 17.68 – Planned Unit Developments (PUD) to allow manufactured home parks and manufactured homes as an allowed use within a PUD in the [Planned Residential zone](#) as redlined in Attachment 2 of the staff report for Permit 2022002; **OR**

Option 2. Approval of the Zoning Text Amendments to amend Blaine Municipal Code Chapter 17.68 – Planned Unit Developments (PUD) to allow manufactured home parks and manufactured homes as an allowed use within a PUD in the [Planned Residential zone](#) as redlined in Attachment 2 of the staff report for Permit 2022002, subject the following additional changes: _____; **OR**

Option 3. Denial of the Zoning Text Amendments to amend Blaine Municipal Code Chapter 17.68 – Planned Unit Developments (PUD) to allow manufactured home parks and manufactured homes as an allowed use within a PUD in the [Planned Residential zone](#) as redlined in Attachment 2 of the staff report for Permit 2022002. This recommendation is based on the following analysis of the proposal's relationship to the:

- a. Goals, policies and objectives of the comprehensive plan: [inset analysis here]

- b. b. Compliance with any other special provisions as provided by BMC [17.04.080](#)
[insert analysis here]

”