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September 13, 2023

VIA E-MAIL ([cgscomments@cityofblaine.com](mailto:cdscomments@cityofblaine.com))

Community Development Services Department  
Attn: Stacy Clauson  
435 Martin Street, Suite 3000  
Blaine, WA 98230

Re: East Harbor Hills LLC – Zoning Text Amendment

Dear Commissioners:

I write with respect to the proposed zoning text amendment for the PUD Zoning (the “Amendment”). I represent East Harbor Hills LLC, the citizen-applicant of the Amendment, but note that the Amendment is also now being considered “Council-Initiated”. Because this has been ongoing for nearly two years, I’d like to provide a recap of this process from our perspective, and also to bring to your attention some key concepts for your consideration.

**A. Background.**

East Harbor Hills LLC made application January 7, 2022 upon the suggestion of staff to clean up some confusion they were seeing in the BMC regarding Planned Unit Developments and manufactured home parks. This Amendment has formally been before the planning commission since its initial presentation by staff in August 2022. However, discussion has informally taken place by planning commission and the public since months before that. Unfortunately, that informal discussion started without full and correct information about the Amendment itself.

Although this issue was not on the May 2022 Planning Commission agenda two members of the audience raised their fears about development proposals they had “heard about” in East Blaine. The comments ranged from density concerns by allowing apartment buildings as allegedly proposed to safety concerns over lower quality housing. Later in that May meeting, staff gave an overview of the legislative agenda for 2022/2023 and did include mention of a citizen initiated text amendment by East Harbor Hills LLC to allow “mobile and manufactured homes

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in a PUD”. Staff made no mention of manufactured home “parks” and gave very little detail about the Amendment because it would be presented and addressed in a later meeting. Staff did comment, however, in reference to the Amendment, “I believe one of our audience members actually was referring to it”. Staff did not: a) clarify that no project specific application had actually been made as was implied by the earlier public comment, b) point out that State law PROHIBITS cities from discriminating against, prohibiting manufactured or mobile homes by Cities, or c) explain that purpose of the Amendment was to address an inconsistency within Blaine’s own code. Staff was not required to make those clarifications at that point in time, but with the seeds of confusion and fear firmly planted, the commissioners at the May 2022 meeting went on in the meeting to discuss “mobile homes” and warned staff to be prepared for a “hostile audience.”

Similar confusion continued in August 2022 at the Planning Commission study session. At that meeting, staff first formally presented the Amendment to the Planning Commission. Staff summarized that the first ask of the amendment was to delete the exclusion of “Manufactured and Mobile Home Parks” in 17.68.120(A)(1). In fact no such exclusion specific to “Parks” exists in the entirety of the PUD code. The PUD code excludes all “manufactured and mobile homes” (which is contrary to State law).

Staff’s presentation for the public hearing on December 8, 2022 still seemed unclear about what was being proposed in the Amendment. The Staff presentation slide below implied that the Amendment was proposing to change permitted uses within the PR zone. No such proposal was made; the PR zone already allows Manufactured Home Parks as a permitted use.

State Laws	Current City Standards	Policy Determination
<ul style="list-style-type: none"> <li>Cannot restrict the placement of a manufactured home in lieu of another type of home within:                             <ul style="list-style-type: none"> <li>Individual lots;</li> <li>Subdivision</li> </ul> </li> <li>May establish design and placement standards</li> <li>Does not override CC&amp;Rs.</li> </ul>	<p>BMC 17.112, key provisions:</p> <ul style="list-style-type: none"> <li>Manufactured homes must be new;</li> <li>Includes at least 2 sections</li> <li>Must be set on permanent foundation.</li> <li>Roofing and exterior siding standards.</li> <li>Must meet energy code.</li> <li>Comply with other local regulations.</li> </ul>	<p>Whether to allow manufactured home parks within Planned Residential (PR) zone</p> <ul style="list-style-type: none"> <li>Effectively prohibited under current PUD standards;</li> <li>Otherwise allowed under PR zoning district;</li> <li>No requirement to allow under state law;</li> <li>GMA requires City to identify sufficient capacity of land for housing including manufactured housing.</li> </ul>

Follow-Up to Study Session

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[From December 8, Staff Presentation (highlighting added)]

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Based on a combination of confusing messaging and unfounded speculation, the various public hearings understandably elicited public comments ranging from project and site specific environmental concerns to the economics of mobile home parks. Of course the Planning Commission should be accustomed to sifting through a wide range of the public comments, along with the pertinent legislative framework, to help Council make decisions within their scope of authority and relevant to the issue at hand.

After their February 2023 meeting, the Commissioners, still struggling with a recommendation, called for another public hearing. That was scheduled for April 13, 2023 but was canceled by the City after reviewing engineering analysis about sizing and design of parks not being possible under five acres. Such analysis rendered an impossibility within the Blaine Municipal Code that could not have been intended and for which there was no indication that it was anything but a drafting oversight in the PUD code.

Upon that understanding and the cancellation of the April 13, 2023 public hearing, my client assumed that the PUD code would be interpreted to in fact include manufactured home parks as they originally had understood, and thus requested their requested Amendment be withdrawn while they awaited an answer on their administrative interpretation request from Staff. What followed, however, was City Council moratorium on any applications to the city that involved a manufactured home park (the "Moratorium"). Ordinance NO. 23-2997.

Council held a public hearing on the Moratorium on July 10, 2023. Following the hearing, Council ratified the Moratorium with direction to staff for a "work plan for addressing needed updates and clarifications to the City's municipal code."

Following the July 10, 2023 meeting and direction of Council to address inconsistencies in the existing code rather than BAN manufactured home parks, the applicant reinstated its request for the Amendment. Staff recommended that Council join the citizen initiated amendment request. Council deferred that decision and held a work session at the next regularly scheduled Council meeting on Monday, September 11, 2023. Following the work session Council voted that the text amendment proceed also as a "Council initiated text amendment" clarifying that the "direction provided in this Resolution is intended to satisfy the work plan contemplated in Ordinance No. 23-3002." See Resolution No. 1929-23. That brings us to tomorrow's meeting and the Planning Commission's consideration of the citizen and council initiated Amendment.

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## B. Key Concepts

- The proposed Amendment addresses a current violation of State law (RCW 35.12.312) by the Blaine Municipal Code (i.e. exclusion of “mobile and manufactured homes” within a PUD, BMC 17.68.120(A)(1)).
- The proposed Amendment also addresses a *perceived* inconsistency within the Blaine Municipal Code between the PR Zone permitted uses, which includes Manufactured Home Parks, and the Residential PUD standards uses which does not outright prohibit parks and refers generally to allowing both single family and multifamily residential uses. My detailed analysis of the PUD text is in my April 11, 2023 letter, attached.
- The proposed Amendment is not proposing (and neither it nor the PUD process should be used) to change the underlying zoning of any property.
  - The proposed Amendment does not pertain to any particular application or project.
  - A development application for a manufactured home park within the City of Blaine (which only is allowed within the PR Zone) necessarily requires submission as part of a PUD (see Craig Parkinson April 10, 2023 analysis memo), subjecting it to all of the specific requirements of **BOTH** BMC 17.116 (Manufactured Home Parks) and of BMC 17.68 (PUDs). For a PUD, a full review with a public hearing is required.

We understand that public comments address many opinions regarding manufactured home parks and development in general. We respect those opinions. We remind you, though, that no project has been yet proposed and when and if a project application is made, the Blaine Municipal Code has many gatekeeping mechanisms for environmental and planning protections. For PUD’s that includes even direct input by and discretion of Council. This Amendment does not propose to change those important mechanisms already in place. Further, it is not within the purview of Title 17, or the Comprehensive Plan, or the Planning Commission’s authority under RCW 35.63.080<sup>i</sup>) to regulate businesses, economic freedoms of consumers, or the relationship between landlord and tenant. State law specifically addresses the mobile home landlord/tenant relationship and business aspects of a mobile home park owner for the protection of homeowners/park tenants (See RCW 59.20 and RCW 59.30).

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We encourage you to recommend approval of the requested zoning text change as proposed by the applicant and staff and as endorsed by the Council in Resolution 1929-23 to resolve the inconsistencies of Blaine's PUD regulations with State law and the rest of BMC Title 17.

Sincerely,



Inger C. Brockman

ICB:icb

Enclosure: My April 11, 2023 Letter

cc: Skip and Katie Jansen

Peter Ruffatto (via email [pruffatto@csdlaw.com](mailto:pruffatto@csdlaw.com))

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<sup>i</sup> RCW 35.63.080

Restrictions on buildings—Use of land.

(1) *The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical development of the municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals, and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may:*

(a) *Regulate and restrict:*

(i) *The location and the use of buildings, structures, and land for residence, trade, industrial, and other purposes;*

(ii) *The height, number of stories, size, construction, and design of buildings and other structures;*

(iii) *The size of yards, courts, and other open spaces on the lot or tract;*

(iv) *The density of population;*

(v) *The setback of buildings along highways, parks, or public water frontages; and*

(vi) *The subdivision and development of land;*

(b) Eliminate the minimum gross floor area requirements for single-family detached dwellings or reduce the requirements below the minimum performance standards and objectives contained in the state building code; and

(c) Encourage and protect access to direct sunlight for solar energy systems.

(2) The council of a city where ordinances adopted in accordance with this section are in effect may, on the recommendation of its commission, provide for the appointment of a board of adjustment to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained.



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Community Development Services Department  
Attn: Stacy Clauson  
435 Martin Street, Suite 3000  
Blaine, WA 98230

Re: East Harbor Hills LLC – Zoning Text Amendment

Dear Commissioners:

I write on behalf of East Harbor Hills LLC, an entity owned and operated by Skip and Katie Jansen, with respect to their proposed zoning text amendment for the PUD Zoning. Unfortunately, the proposed amendment has been described as amending Title 17 to allow manufactured home parks in a PUD. As a reminder, Title 17 already explicitly allows manufactured home parks as a permitted use in the Planned Residential Zone (BMC 17.42.020.H) and specifically provides for and regulates manufactured home parks BMC 17.116. The text amendment is not proposing (and neither it nor the PUD process should be used) to change the underlying zoning of any property.

The proposed amendment is simply asking (at the recommendation of City staff) to modify the text to i) remedy a violation of state law contained within the PUD code (BMC 17.68), i.e. the exclusion of “mobile and manufacture homes” contrary to the later adopted RCW 35.21.312, and ii) clarify that BMC Table 17.68.C does not restrict development of Manufactured Home Parks as is allowed within the underlying Planned Residential zoning.

The purpose of Blaine’s planned unit development (PUD) process is not to define or restrict zoning, but just the opposite. Rather, the purpose of the PUD is to provide for flexible application of the underlying zoning. Changes to zoning are accomplished through updates to the Comprehensive Plan, coupled with changes to permitted uses within the individual Zoning Districts. The purpose of the PUD is outlined in detail in BMC 17.68.010 included in full below (*emphasis added*).

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**17.68.010 Purpose.**

A planned unit development (PUD), as the term is used in this division, is a binding development plan created under a permit review process that ***allows flexible application of zoning*** and has the following purposes:

A. To ***permit greater flexibility and consequently more creative and imaginative design*** for the development of residential and business uses than is generally possible under conventional zoning regulations including alteration of bulk and scale requirements as may be included in the underlying zoning district;

B. To promote more economical and efficient use of the land ***while providing a variety of housing choices***, a higher level of city attractiveness and quality, and preservation of scenic open space;

C. To ***correlate the intentions of this division and other ordinances*** of the city to encourage developments which will provide a desirable and stable environment in harmony with that of the surrounding area;

D. Promote infill development within established neighborhoods, and promote a more dense housing pattern that supports transit and smaller-scale neighborhood retail and service uses that work to encourage non-vehicular trips;

E. Promote the development of housing and mixed housing/commercial developments that generally emulate a traditional village setting typical of portions of central Blaine, or provide a truly unique development style that is not otherwise commonly available through other development entitlements;

F. Provide incentive for cluster development to increase open space and avoid development within environmentally sensitive areas;

G. Provide flexibility in development standards within commercial centers and industrial parks;

H. To increase the public benefit to the community and provide benefits to the developer that cannot be achieved through the standard subdivision or site development process. (Ord. 2737 § 2 (Att. A), 2009)

Blaine's PUD code states that permitted uses vary depending on the type of PUD *and the Zoning District*. See BMC 17.68.030(A). BMC 17.68.030(B) goes

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on to provide that “uses” in residential zones be limited as defined in Table 17.68.C. For the PR Zone, the table allows all of the residential uses (all listed uses are “checked”). Neither Manufactured Home Parks or Subdivisions are explicitly referenced in the table, but both fall within the broader BMC definition of “Single-family dwelling”, i.e. a detached building occupied by one family,” see BMC 17.142.535. Nor does the table list all other specifically permitted uses in those zones (including but not limited to, in the PR zone, for example, garden and plant nurseries).

Given the very purpose of the PUD, the reference to “the zoning district” in 17.68.030(A), and the residential, single family nature of a manufactured home park, we struggle to interpret that the PUD code (aside from its outdated and blanket prohibition against mobile homes that has been overturned by state law) prohibits a manufactured home park within a PUD if the underlying zone specifically allows it.

Staff has suggested that the PUD code does and can prohibit manufactured home parks without being inconsistent with the underlying zoning of the PR zone because the PUD code only applies on those parcels over 5 acres. However, this justification is flawed in that the various constraints of BMC 17.116 (which also imposes a maximum area for a manufactured home park) render it impossible to design a compliant Manufactured Home Park in 5 acres or less. I enclose the April 10, 2023 memo of Craig Parkinson, civil engineer, outlining his analysis. Regardless, even if was possible to design a manufactured home park on a two acre parcel, that does not justify a reading of the PUD code that Manufactured Home Parks are outright prohibited in a PUD.

The City of Blaine has vetted and legislated both the concept of and details for manufactured home parks and that is codified in BMC 17.116. The proposed amendment merely asks to clear up a violation of state law as well as City’s staff’s perceived inconsistency between a table in BMC 17.68 and the permitted use within the PR Zone under BMC 17.42. Ordinance No. 09-237 adopted the current BMC 17.68 PUD chapter, stating that the purpose of the ordinance was to “better explain the development review process, to simplify the processing of applications where feasible, and to define in code the administrative process uses for evaluating minor land divisions.” The Ordinance’s Findings of Fact state revisions to the PUD were consistent with the BMC and with the Blaine Comprehensive plan. Such consistency would include the City’s manufactured home parks chapter (BMC 17.116) and the permitted use of manufactured home parks within the PR zone (BMC 17.42.020.H).

To suggest now that the 2009 PUD revision/restatement was in any way intended to prohibit manufactured home parks where otherwise properly zoned, or



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to render BMC 17.116 essentially moot, is contrary to the stated purposes of the ordinance as well as to the basics of code interpretation and the fundamental purposes of a PUD as adopted by the ordinance.

As laid out in Staff's memo, BMC 17.04.050 requires the Planning Commission, as reviewing authority, to consider whether the proposed amendment is consistent with the Comprehensive Plan and, among other things, to develop findings of fact that support their recommendation. We see no facts that support an interpretation that a PUD does or may prohibit Manufactured Home Parks. The proposed amendment is consistent with the explicit current zoning within the PR Zone. Further, the PR zoning, and the proposed amendment, is consistent with **Goal 1** of the Housing Goals, Policies and Actions of Blaine's 2016 Comprehensive Plan, i.e. "***encourage the development of a variety of housing types and prices, including an adequate supply of housing in a price range affordable to employees at available jobs in Blaine and housing which meets the needs of senior citizens.***"

**Policy 1.1** supporting **Goal 1** is that "residential zoning should provide for a range of allowable uses and densities including medium or high-density multi-family units, townhouses, ***mobile homes***, or accessory dwelling units in order to meet the growing needs of seniors, young adults, minorities, immigrants and low-income households." **Policy 1.3** supporting **Goal 1** is that "the City encourages aging citizens to remain in the community and the City should support efforts to develop assisted living facilities, smaller-sized housing units near services, ***and other housing which accommodates the needs of senior citizens.***"

Concerns have been raised in public comment process over whether mobile home park residents gain equity in their home as opposed to traditional home ownership. The Comprehensive Plan nowhere speaks to the concern of how much equity residents gain, how much appreciation they should enjoy, or how ownership should be structured. Rather, it speaks to flexibility in housing arrangements and to giving opportunities for people to be able to work and live in Blaine, and for older citizens to be able to afford to *remain* in the community where they may have worked and lived their whole lives.

Not supporting the proposed amendment as proposed is contrary to the stated purposes of the PUD and the ordinance which created it. Failing to support it is also contrary to the goals and policies of the 2016 Blaine Comprehensive Plan. If there is a desire by the Commission, or the public, to promote a rezone or to revoke BMC 17.116, there is a process for that, but this simple request for the clarifying amendment is not that process.

One further point of note - Skip and Katie Jansen relied on the explicit zoning of the PR Zone (together with the fundamentals of the PUD process) in

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their decision to purchase property. To interpret the PUD contrary to the proposed amendment effectively *downzones* properties within the PR Zone without proper process, and thus puts into question all of the explicit zoning district uses laid out in BMC 17. 20 through 17.46 and the related legislative process that other property owners justifiably rely on.

We encourage you to recommend the requested zoning text change as proposed by the applicant and staff.

Sincerely,



Inger C. Brockman

ICB:icb

Enclosure: April 10, 2023 Memo from Craig Parkinson

cc: Skip and Katie Jansen

Peter Ruffatto (via email [pruffatto@csdlaw.com](mailto:pruffatto@csdlaw.com))



## MEMORANDUM

**DATE:** April 10, 2023  
**TO:** **Mr. Skip Jansen**  
East Harbor Hills, LLC  
**FROM:** Craig Parkinson  
**SUBJECT** **Manufactured Home Park – Minimum Land Requirement**  
:  
**ALTERNATE PLAN TO LIMIT MAX DENSITY TO PARK ONLY**  
**PROJECT** JANS0018  
:  
**COPIES:** Stacie Pratschner – City of Blaine Community and Development Services

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Skip –

As you are aware, City staff commented that the Plan and memo presented on April 6th showed more density than would be allowed in a stand-alone Manufactured Home Park (MHP). Because the code is written not around lot number or lot size, but *total minimum area* for a Manufactured Home Park, this point is relatively insignificant as it relates to the discussion regarding what minimum area is required to construct a code-compliant MHP. Regardless, this memo is similar to that created last week, but shows what would be required for a stand-alone, code-compliant MHP that *also* adheres to maximum density requirements. The previous memo may be discarded, and is replaced with this memo.

Our conclusion remains the same, that it would be impossible to develop a Manufactured Home Park in compliance with current City Code on a property of five acres or less in size.

Similar to the memo produced last week, the narrative below includes the Code citation, a brief description of how that citation must be interpreted, a summary of the minimum area required to meet the requirement, and a brief statement on what effect this has on the total area required as graphically presented in the attached schematic. The summary at the end adds some other facts that should be considered.

## **Site Area**

### *BMC 17.116.050.B - Site Area*

1. *The minimum site area of a manufactured home park shall be three acres, excluding the area used for open space, common space, and recreational use.*

Because of the staff comment regarding density, and for illustrative purposes, the “lots” have been adjusted to provide for 4-unit per gross acre density within the bounds of the hypothetical MHP. The area for lots is limited to exactly three-acres, the *minimum area required by code*. “Common space” includes the shared roadway tract, shared parking, perimeter buffer, Open Space, area required for stormwater facilities and the required storage area. Note that upon review of our memo dated April 6<sup>th</sup>, staff commented that the roadway tract may or may not be considered a “common area”. In our opinion, a private road tract, containing a private road, to be maintained by the MHP operator, for use by all residents of the MHP cannot be considered anything *but* a common element of the MHP, similar to recent single-family plats within Blaine that contain private roads and where these roads and tracts are defined as “common elements”. For this reason, the roadway tract area is excluded from the three-acre minimum site area.

[Effect on Overall Development Area: None.]

## **Pad Dimensions**

### *BMC 17.112.020.A*

1. *(The Manufactured Home itself) Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long; and*

### *BMC 17.116.060 – Standards for development on individual lots*

*Setbacks – minimum 10-foot front, 5-foot side and 5-foot rear.*

*Lot Coverage - <50%*

A Minimum Lot size can be determined from the above citations. The Manufactured Home itself cannot be less than 864 square feet. With minimum setbacks, the “lot” can therefore not be less than 1,734 square feet. This would also meet the coverage requirement. A requirement for a minimum of two parking spaces of 10-feet by 20-feet makes the absolute minimum “lot” size 2,134 square feet. From a practical standpoint, a minimum “lot” size of 3,000 to 3,500 square feet is more realistic. For illustrative purposes, the attached figure shows 5,940 square foot “lots” in order to maintain the maximum allowed density (without bonuses) within the confines of the hypothetical MHP. Smaller lots could be used, but if density exceeds the maximum, then additional perimeter

buffering or open space would be required to maintain maximum density, resulting in even more overall area being required. Again, because this exercise is being pursued to demonstrate the minimum area required to construct a MHP, the lot area has been shown as larger rather than expanding the required area by including more open space.

[Effect on Overall Development Area: None]

### **Perimeter Buffer**

#### **BMC 17.116.050.C**

1. *A manufactured home park must establish a 20-foot buffer along all perimeter property lines.*

Other code citations within this section state that the perimeter buffer area *may* count toward the open space requirement “*if the city finds that it is suitable for that purpose*”. Because a true, landscaped perimeter buffer would not provide recreational opportunity, it is doubtful this ruling would be made. However, if it were, and because a minimum of 15-feet must be heavily landscaped to provide a 75% opaque vegetative screen, the most the attached schematic minimum required area could be reduced would be 0.20 acres, representing the five-feet that is not required to contain the robust screening vegetation. Even with this reduction, this keeps the minimum required area to meet all other code requirements above the five-acre minimum thereby requiring a MHP to be developed under a PUD.

[Effect on Overall Development Area: None – unless the 5-feet of buffer that is not heavily landscaped is allowed to be counted toward open space. In reality, perimeter buffering would likely be increased in some areas]

### **Access and Circulation**

#### **BMC 17.116.050.D**

3. *Those streets the public works director determines may be private streets shall meet the following minimum standards:*
  - a. *Right-of-Way. All interior park roads shall be constructed within a right-of-way, which shall be sufficient to construct and maintain the roadway plus a provision for utilities, but in no case shall be less than 30 feet in width.*

*b. Pavement Width. Park roads shall have a minimum paved width of 30 feet, including the area improved with curbs and gutters. Cul-de-sac turnarounds shall have a minimum paved diameter of 76 feet.*

It is noted that should the roads be deemed public, the required right-of-way would be a minimum of 40-feet. Private roads would allow a smaller area, so this smallest required area is what is included in the attached sketch. It is also noted that the actual roadway tract (or right-of-way) would very likely be more than the minimum 30-feet, so this particular item will therefore likely require more space than the minimum shown, increasing the overall area that much more than the five-acres necessitating the need for a PUD. Right-of-way is not discounted when determining the area of a project, and whether a PUD is required. In addition, the attached schematic shows the absolute most efficient layout of access lanes. These are fully double-loaded, and assume only the bare minimum perimeter buffering to off-site areas. In all likelihood, the actual access lanes will be required to work around other site features (critical areas, topography, etc.) would be larger, making the required minimum area larger than the hypothetical minimum size.

As mentioned above, a private roadway, used exclusively by the MHP residents, maintained by the MHP can only be interpreted as a common element. This interpretation is consistent with other developments in Blaine that have private roads, with those roadways and tracts being defined as being “common elements”.

[Effect on Overall Development Area: None – if anything, wider roadway tracts than depicted would be employed, requiring even more area]

### **Parking Requirements**

#### ***BMC 17.116.050.E***

- 1. At least two paved off-street parking spaces, located adjacent to each respective manufactured home, shall be provided for each unit.*
- 2. In addition to occupant parking, guest and service parking shall be provided within the boundaries of the park at a ratio of one parking space for each four manufactured home lots.*

On-site parking is discussed above under “Pad Dimensions”, and would contribute to a realistic minimum size pad. Additional (Paragraph 2 above)

parking makes up a minor, and relatively insignificant amount of additional required space.

[Effect on Overall Development Area: None – six parking spaces were eliminated as compared to the memo dated April 6<sup>th</sup> due to increase pad size, and therefore fewer required parking spaces. In reality, more parking should be provided for guest parking, requiring more area, but for this exercise, only the minimum number of spaces is shown.]

### **Open Space**

#### *BMC 17.116.050.G*

- 1. A minimum of 20 percent of the overall development shall be set aside and maintained as open space. Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space.*

Open space percentage is to be measured against the “overall development”, meaning the outer limits of the Manufactured Home Park. In the attached schematic, with a total minimum area shown of 5.68 acres, 20% represents a need for 1.14 acres. Useable open space shown is 0.65 acres, meaning that an additional 0.49 acres of open space is required to meet the code citation. Even counting the schematic stormwater tract at 0.27 acres (which is known to be undersized), more open space would be required, increasing the actual minimum area needed for a fully compliant park even greater, further illustrating the need for more than 5-acres and the need to develop this within a PUD.

[Effect on Overall Development Area: None – for the sake of argument, we will assume that the storm pond counts as open space, and 0.24 acres of the 0.81-acre perimeter area would also count toward open space – resulting in an overage of only 0.02 acres as depicted on the attached schematic.]

### **Storm Drainage**

#### *BMC 17.116.050.J*

Code requires that storm drainage comply with current regulations. The area shown on the schematic is known to be too small for the proposal as outlined, but is included as an illustrative placeholder. It is reasonable to assume that the drainage facilities for the Manufactured Home Park may be sited within the boundary of the Manufactured Home Park itself. As a result, it is certain that more space would be needed than is depicted, again further illustrating the need for more than 5-acres and the need to develop this within a PUD.

[Effect on Overall Development Area: None – again, for the sake of argument, we will assume that the storm pond is of sufficient size as shown, though we believe it will be larger.]

### **Storage**

#### ***BMC 17.116.050.M***

4. *A minimum of 300 square feet space of bulk storage shall be provided for every 10 manufactured homes.*

With 22 total lots, we have allocated 600 square feet for RV/Trailer/Boat storage. Again, this is the absolute minimum required by Code, and though this would be woefully lacking, it demonstrates that minimum component required by Code.

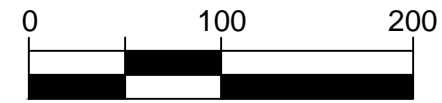
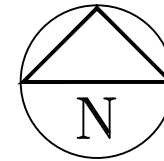
[Effect on Overall Development Area: None.]

### **Resulting Minimum Area Required for a Manufactured Home Park:**

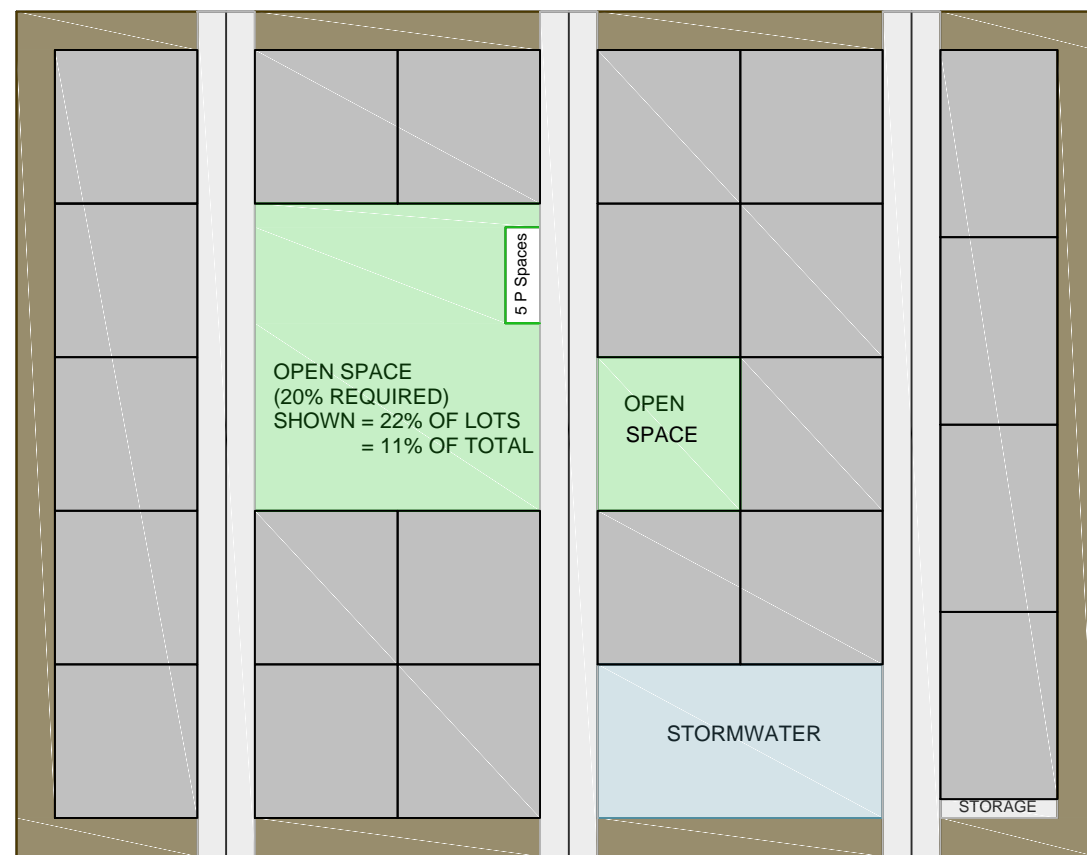
Having re-evaluated the project based on staff comment, the previous low of 5.86 acres has been reduced to 5.68 acres. This would take every Code criteria to the absolute minimum, and again, is provided to demonstrate that more than five acres is required to construct a code-compliant MHP. As stated previously, much more area would be required to develop a quality park, which is the intent of the developer.

Three additional points are worth noting. First, a cursory review of existing parcels within the Planned Residential (PR) Zone shows that the majority of existing parcels under five-acres in size contain existing single-family homes, and would be unlikely to develop as a MHP, even if it were possible. Second, should someone wish to pursue a lot line adjustment, unless water and sewer were readily available the minimum lot size allowed would be five acres, necessitating the need for a PUD should development of other than one single-family residence also be pursued. Thirdly, because a typical MHP is developed with amenities to be enjoyed by the residents, a minimum number of units must be planned for in order to have the economics of the MHP make sense. All of the above discussion has focused on why a *minimum* of over five-acres is necessary, thus requiring development within a PUD, however BMC 17.116 also allows for a maximum size MHP pointing to how the Code contemplates MHPs larger than five acres in size. In summary, we can only conclude that the discrepancy in Code necessitating the need for a Zoning Text Amendment is the result of an oversight during various code revisions. Approving the requested Zoning Text Amendment will correct this previous oversight,





SCALE IN FEET



MINIMUM PARK AREA = 3 ACRES (BMC 17.116.050.B.1)  
("EXCLUDING BUFFER, O.S., COMMON ELEMENTS". COMMON ELEMENTS INCLUDE  
OPEN SPACE, BUFFER, ROADWAY, STORMWATER FACILITIES, STORAGE, PARKIKNG)  
AREA SHOWN = 130,680 SF OR 3.00 ACRES



MINIMUM 20-FOOT PERIMETER BUFFER (BMC 17.116.050.C.1)  
AREA SHOWN = 35,420 SF OR 0.81 ACRES



MIN ROW/ROAD TRACT WIDTH OF 30-FEET (BMC 17.116.050.D.3)  
AREA SHOWN = 39,600 SF OR 0.91 ACRES



20% MIN OPEN SPACE REQUIRED (BMC 17.116.050.G.1)  
AREA SHOWN = 28,116 SF OR 0.65 ACRES



EXTRA PARKING REQUIRED (1 PER 4 UNITS) (BMC 17.116.050.E.2)  
AREA SHOWN = 1,584 SF OR 0.04 ACRES



RV / BOAT STORAGE REQUIRED (BMC 17.116.050.M.4)  
AREA SHOWN = 600 SF OR 0.01 ACRES



SITE ALSO REQUIRES STORMWATER  
AREA SHOWN = 11,880 SF OR 0.27 ACRES

TOTAL MINIMUM AREA SHOWN = 5.68 ACRES

MANUFACTURED HOME PARK  
DIMENSIONAL SCHEMATIC

DATE: 04/10/2023  
DESIGN: CRP  
DRAWN: CRP  
CHECKED: CRP

SCALE: AS SHOWN

PROJECT NUMBER:  
JANS0018

SHEET NO.

1

OF 1



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Bellingham, Washington 98225