

## AGENDA BILL APPROVAL FORM

<b>Agenda Subject</b> Ordinance 6162, amending various sections of Title 18, Auburn City Code, regarding siting and design standards for manufactured homes and single family detached residential uses, consistent with RCW 35A.21.312		<b>Date:</b> 1/30/2008
<b>Department:</b> Planning, Building and Community	<b>Attachments:</b> Ordinance 6162	<b>Budget Impact:</b> None

**Administrative Recommendation:**  
 City Council adopt Ordinance 6162.

**Background Summary:**  
 The City of Auburn Zoning Code currently treats manufactured homes in the same manner as site-built housing, i.e., they are allowed in all zones where single family homes are permitted. Approximately one year ago, the City imposed a moratorium on the placement of used manufactured homes on individual lots via Resolution 4128 and has maintained the moratorium since that time while new zoning standards were being developed and reviewed.

In 2005, changes in State law prohibited cities from regulating manufactured housing any differently than site built housing. However, the statute does grant cities limited ability to impose certain requirements, such as: 1) limiting the allowance to new manufactured homes only; 2) requiring they be set on a permanent foundation; 3) requiring they comply with local design standards that also apply to site-built housing; and 4) require they be thermally equivalent to the State energy code. It is still permissible to regulate single-wide manufactured homes differently than double-wides.

The proposed code amendments will be consistent with State law and definitions, while ensuring manufactured homes placed on individual lots are equivalent to site-built housing. These amendments have been sent to the State for the required 60-day review (no comments received) and considered by the Planning Commission at a public hearing conducted on January 8, 2008.

No one spoke either in favor or opposition of the proposal at the Planning Commission hearing. At the conclusion of the hearing and discussion, the Commission made two modifications to the proposal and then voted 7-0 to recommend Council approve the proposed ordinance.O3.4.2.1.2

<b>Reviewed by Council &amp; Committees:</b> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm.	<b>COUNCIL COMMITTEES:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____	<b>Reviewed by Departments &amp; Divisions:</b> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Public Works	<input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources
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**Action:**  
 Committee Approval:  Yes  No  
 Council Approval:  Yes  No      Call for Public Hearing \_\_\_/\_\_\_/\_\_\_  
 Referred to \_\_\_\_\_ until \_\_\_/\_\_\_/\_\_\_  
 Tabled \_\_\_\_\_ until \_\_\_/\_\_\_/\_\_\_

Councilmember: Norman	Staff: Baker
Meeting Date: February 4, 2007	Item Number: VIII.A.2

**ORDINANCE NO. 6162**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.04.340, 18.04.600, 18.04.630 AND 18.48.050 OF THE AUBURN CITY CODE REGARDING SITING AND DESIGN STANDARDS FOR MANUFACTURED HOMES AND SINGLE-FAMILY DETACHED RESIDENTIAL USES, CONSISTENT WITH RCW 35A.21.312

WHEREAS, manufactured homes play a vital role in meeting the housing needs of individuals and families; and

WHEREAS, the City of Auburn has historically allowed manufactured homes to be sited in all zones where single family residences are allowed; and

WHEREAS, Section 35A.21.312 of the Revised Code of Washington (RCW) mandates that a city or town may not enact any statute or ordinance that has the effect, directly or indirectly, of discriminating against consumers' choices in the placement or use of a manufactured home in such a manner that is not equally applicable to all homes and that manufactured housing must be allowed in any zoning district where single family site-built housing is allowed; and

WHEREAS, to ensure consistency with State law and community expectations, various amendments to Title 18 Auburn City Code are necessary; and

WHEREAS, the proposed code amendment was transmitted to the Washington State Department of Community, Trade and Economic Development and other State agencies for review as required by RCW 36.70A.160; and

WHEREAS, environmental review on the proposal has been completed in accordance with the requirements of the State Environmental Policy Act (SEPA), with a final determination of non-significance (DNS) issued on December 13, 2007; and

WHEREAS, the City of Auburn Planning Commission, after conducting a duly noticed public hearing on January 8, 2008, has recommended the City Council adopt

amendments to the Auburn City Code which provide standards for the siting and design of both manufactured homes and site-built dwellings.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Amendment to City Code.** Section 18.04.340 of the Auburn City Code (Definitions) is hereby amended to read as follows:

**18.04.340 Dwellings, types of.**

"Types of dwellings" means:

A. Dwelling, One-Family. "One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit that is permanently attached to the ground. A manufactured home may be considered a one-family dwelling if sited per ACC 18.48.050.

B. Dwelling, Two-Family (Duplex). "Two-family dwelling" or "duplex" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

C. Dwelling, Multiple Family. "Multiple family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

D. Dwelling, Townhouse. "Townhouse dwelling" means a building designed exclusively for occupancy by one family and containing one dwelling unit, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls. (Ord. 4229 § 2, 1987.)

**Section 2. Amendment to City Code.** Section 18.04.600 of the Auburn City Code (Definitions) is hereby amended to read as follows:

**18.04.600 Manufactured home.**

~~"Manufactured home" means a structure, transportable in one or more sections from its manufacturer, retailer, or wholesaler, to its destination. A manufactured home is designed primarily for residential occupancy by human beings and the term includes mobile home or modular home. This definition does not include a recreational vehicle as defined by ACC 18.04.780.~~

"Manufactured home" means a one-family dwelling which:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on site-built one-family homes built in accordance with the International Building Code (IBC). (Ord. 4350 § 2, 1989; Ord. 4229 § 2, 1987.)

**Section 3. Amendment to City Code.** Section 18.04.630 of the Auburn City Code (Definitions) is hereby amended to read as follows:

**18.04.630 Mobile home.**

"Mobile home" means a factory-constructed residential unit with its own independent sanitary facilities, that is intended for year-round occupancy, and is composed of one or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that frame or structure over the public highway under license or by special permit. This definition does not include a manufactured home as defined by ACC 18.04.600 or a recreational vehicle as defined by ACC 18.04.780. (Ord. 4350 § 2, 1989; Ord. 4229 § 2, 1987.)

**Section 4. Amendment to City Code.** Section 18.48.050 of the Auburn City Code is hereby amended to read as follows:

**18.48.050 ~~Manufactured home~~ One-family dwelling siting and design standards.**

~~A manufactured home may be allowed to be placed within any residential zone, that allows single-family homes, provided the following conditions are met:~~

~~A. The home must be placed on a permanent foundation similar to that required of other residential construction;~~

~~B. The home shall have a pitched roof with a slope no less than a three inch rise to a 12-inch run, and the roof must be an integral part of the home; and shall be made of either composition, shakes or shingles (wood or metal);~~

~~C. All requirements of this title and other applicable regulations must be met.~~

A. Manufactured homes located in residential zoning districts shall meet all of the following criteria:

1. May not have previously had a title granted to a retail purchaser and may not be a "used mobile home" as defined by RCW 82.45.032(2), now or hereafter amended.

2. Be built to meet or exceed the standards established by federal law 42 U.S.C. 5401-5403, now or hereafter amended.

3. Be thermally equivalent or better to that required by the State Energy Code for new residential structures, now or hereafter amended.

4. Be set on and securely attached to a permanent foundation as specified by the manufacturer.

5. Proof of title elimination is required prior to building occupancy.

6. Be connected to required utilities that include plumbing, heating and electrical systems.

B. All one-family dwellings (including manufactured homes) shall comply with the following siting and design standards:

1. The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended;

2. The gap from the bottom of the structure to the ground, around the entire perimeter of the structure, shall be enclosed by concrete or other concrete product as approved by the Building Official, which may or may not be load bearing.

C. ~~These~~ The above requirements do not apply to one-family dwellings sited within the R-MHP, Residential Mobile Home Park-zoned property zoning district. (Ord. 4229 § 2, 1987.)

**Section 5. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 6. Severability.** The provisions of this ordinance are deemed to be separate and severable. The invalidity if any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the remainder of this ordinance, or the validity if its application to other persons or circumstances.

**Section 7. Effective date.** This ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

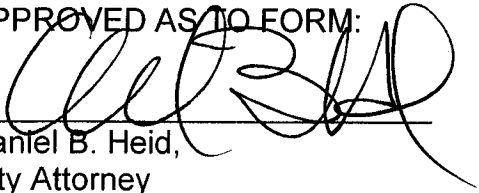
**CITY OF AUBURN**

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

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Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'D. B. Heid', written over a horizontal line.

Daniel B. Heid,  
City Attorney

Published: \_\_\_\_\_