



Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
fax: 360-778-8301
www.cob.org

COMPREHENSIVE / NEIGHBORHOOD PLAN AMENDMENT
DOCKET APPLICATION FORM

TO BE COMPLETED BY STAFF
Date Received
Case Number

Use this form to request docketing of a proposed Comprehensive Plan and or Neighborhood Plan amendment(s). Applications may be submitted at any time but must be received by April 1 of each year for review during the following year. Please complete the following and attach additional pages as needed. Incomplete applications will not be accepted.

1. An application must include the following materials:

- Docket Application Form.
Fee payment calculated at 10% of the total comprehensive plan amendment fee.* The fee is not refunded if the proposal is not docketed. The fee is calculated as follows:

(a) Non-site specific Comprehensive / Neighborhood Plan amendments:

\$1,594 base fee + \$255 notice fee x 0.1 = \$185 due at docket application.

OR

(b) Site specific Comprehensive / Neighborhood Plan amendments:

\$1,594 base fee + \$255 notice fee + \$213 per acre over first acre (\$12,750 max.) x 0.1 = fee due at docket application. Final fees will be calculated at the time the application is submitted.

*Recognized Neighborhood Associations are exempt from this fee.

2. Applicant: City of Bellingham - PCDD Phone: 360-778-8344
Address: 210 Lottie St.
City/State/Zip: Bellingham, WA 98225
Email: gaucutt@cob.org Fax:
Name of contact if applicant is a group: Greg Aucutt

I have read the application materials and acknowledge that if the proposed amendment is approved by the City Council for inclusion in the annual docket, a complete Comprehensive / Neighborhood Plan Application must be submitted within 30 days of the Council's docket decision or a date approved by the Planning and Community Development Director in order to continue to final review. Failure to submit a complete application prior to the deadline may result in removal from the docket.

Applicant signature: Greg Aucutt Date: 3/30/2018

3. Provide an explanation of how the proposed Comprehensive or Neighborhood Plan amendment meets one or more of the docking criteria listed in **Bellingham Municipal Code 20.20.030 A. (2)**. (Docketing criteria - page 4 attached)
4. If the proposal includes general Comprehensive Plan or Neighborhood Plan amendments that are not site-specific, please describe your amendment proposal as specifically as possible and attach it to this form. If specific wording changes are proposed, show the changes in ~~strikethrough~~ and underline format. Reference the location in the Plan where the change is proposed.

Complete the following sections if the proposal includes a site-specific amendment to a comprehensive plan land use designation.

Property Owner

Name: _____ Phone: _____

Address: _____

City/State/Zip: _____

Email: _____ Fax: _____

Owner's Authorized Agent/Contact

Name: _____ Phone: _____

Address: _____

City/State/Zip: _____

Email: _____ Fax: _____

Property Information

1. Assessor Parcel Numbers: _____

2. Attach a map (8.5" x 11") identifying the property included in the proposed amendment and showing parcels and streets located within and adjacent to the site.

3. Neighborhood Name: _____ Area Number: _____

Current Comprehensive Plan Land Use Designation: _____

4. Proposed Comprehensive Plan Land Use Designation: _____

5. Current Zoning: _____

6. Proposed Zoning: _____

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent: _____ Date: _____

City and State where this application is signed: _____, _____

BELLINGHAM MUNICIPAL CODE

20.20.030 ANNUAL DOCKETING CRITERIA

A. The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

- (1) The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the timeframe of the annual review process; and
- (2) The proposal meets one or more of the following criteria:
 - a. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;
 - b. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;
 - c. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;
 - d. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or
 - e. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan.



Planning and Community Development
City of Bellingham

MEMORANDUM

To: Rick Sepler, Director
From: Greg Aucutt, Asst. Director 
CC:
Subject: Comprehensive Plan Amendment Proposal
Date: March 30, 2018

Per City Council direction, Planning and Community Development Department staff propose an amendment to the City's comprehensive plan to revise land use chapter policy LU-10. The proposal is to add an item to the list of "innovative tools" that the City would use to "achieve a healthy mix of housing that is affordable to a wide range of incomes...."

The specific language of the revision will be determined as the annual comprehensive plan amendment process proceeds. But the intent of the revision is to:

Investigate ways to preserve existing mobile home and manufactured home parks in Bellingham.

Manufactured and/or mobile home parks provide affordable housing to many Bellingham residents. In many cases, they provide the opportunity of home ownership to those who cannot afford to purchase other types of housing. When existing mobile home parks redevelop, many homeowners are unable to move their homes to other sites because spaces in existing parks are limited as no new mobile home parks have been developed in Bellingham for a very long time,

Staff requests the Planning Commission and City Council to support the docketing of this proposed policy amendment as part of the 2018-19 comprehensive plan amendment cycle. We believe this change is consistent with the docketing criteria found in BMC 20.20.030.

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Building Services / Permit Center
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www.cob.org/permits

Mobile/manufactured home parks -- Comprehensive Plan goals and polices

Policy LU-4 Protect the unique character and qualities of existing neighborhoods, while identifying opportunities for improved livability, safety, and housing affordability and diversity.

Policy LU-5 Foster neighborhoods with a balanced mix of housing prices that are compatible with the wages and incomes in the community.

Policy LU-10 To achieve a healthy mix of housing that is affordable to a wide range of incomes, implement and seek new, innovative tools, including, but not limited to:

Density bonuses; Inclusionary zoning; Cluster subdivisions that preserve open space, retain natural features and provide other public benefits; The Infill Housing Toolkit, which includes small lot homes, townhomes and other housing forms; Accessory dwelling units; Adaptive reuse of existing buildings;

GOAL H-1 Ensure that Bellingham has a sufficient quantity and variety of housing types and densities to accommodate projected growth and promote other community goals.

GOAL H-2 Foster housing that is safe, healthy, livable, and affordable for all income levels in all neighborhoods.

GOAL H-4 Support housing options for special needs populations.

Policy H-12 Continue permitting manufactured homes in residential zones in accordance with state and federal laws.

Policy H-13 Consider the impacts on Citywide housing capacity, affordability and diversity when making land use policy decisions and code amendments.

Policy H-15 Support fair and equal access to housing for all persons, regardless of race, religion, ethnic origin, age, household composition or size, disability, marital status, sexual orientation or economic circumstances.

Policy H-34 Encourage the rehabilitation, relocation and reuse, rather than demolition, of existing housing.

Mobile & Manufactured Home Park Preservation Policy Comprehensive Plan Amendment Proposal

Purpose: The proposed comprehensive plan amendment to Chapter 3, Land Use, of the City's Comprehensive Plan will add a policy regarding the protection of *existing* mobile and manufactured home parks.

Proposed Text:

LU 1.X Mobile Home Parks

Designate appropriate areas for the preservation of mobile and manufactured home parks.

Discussion: Manufactured and/or Mobile Home Parks provide affordable housing to many City residents. In many cases, they provide the opportunity of home ownership to households which cannot afford to purchase other types of housing. When existing manufactured home parks are redeveloped, many homeowners are unable to move their homes to other sites. Additionally, redeveloped mobile and manufactured home parks are generally not replaced by new parks within the City, resulting in a net loss of this type of housing.

Background: On October 27, 2014, the Spokane City Council adopted a resolution requesting an amendment to the City's Comprehensive Plan to establish a Manufactured Home Park Zone. An application to add policy text to the Comprehensive Plan as a first step toward defining the City's policy was submitted on October 31, 2014. The application was complete on December 1, 2014 and a review by departments and agencies of the application and SEPA checklist was complete on February 5, 2015.

Process for Adoption of the New Policy Language: The proposal will now go through a Comprehensive Plan Amendment procedure:

- *March 9th to May 7th, 2015* Notice of Application and SEPA Review initiates a public comment period. Staff will be accepting written comments on the proposal from members of the public, as well as land owners of the affected sites who may not be able to attend public forums such as open houses and hearings.
- *April 8th, 2015 at 2:00 PM* Plan Commission Workshop
- *April 15th, 2015 4:00 to 6:00 PM* Public Open House
- *Not Scheduled Yet* Plan Commission Public Hearing
- *Not Scheduled Yet* City Council: Once the proposal has gone through the public comment period, any open houses or public forums, and Plan Commission review and a hearing, it will come back to City Council for a vote after an additional public hearing, at which members of the public can also provide feedback or thoughts.

Possible Future Implementation Alternatives: If this policy is adopted, one possible next step to implement the policy is to explore creating a new zoning overlay or other designation to be applied to one or more existing manufactured home parks for preserving these land uses where it is determined appropriate. The new overlay or other designation would restrict the use primarily to residential manufactured home park use. Mobile or manufactured home parks designated in this way could only become redeveloped as another land use after going through a process similar to that required for a Comprehensive Plan amendment, which includes significant opportunities for input by those most directly impacted by the change in land use or zoning. A similar approach has been used in Tumwater, WA, and it successfully withstood a legal challenge in the U.S. Ninth Circuit Court. *Laurel Park Community v. City of Tumwater*, No. 11-35466 (9th Cir., Oct. 29, 2012).



Snohomish County
Planning and Development
Services

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ONLINE INFORMATION

www.snohomishcountywa.gov/1190



This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

Mobile Home Park Zone

Assistance Bulletin

#80

Revised March 2015

WWW.SNOCO.ORG

Keyword: Assistance Bulletins

Introduction

The intent and function of the Mobile Home Park (MHP) zone is to provide and preserve high density, affordable residential development consisting of mobile homes for existing mobile home parks as a source of affordable, detached single-family and senior housing. This zone is assigned to existing mobile home parks which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future development. All existing mobile and manufactured home parks located in unincorporated urban growth areas that are designated residential on the Snohomish County Comprehensive Plan Future Land Use Map were rezoned by the county council to the MHP zone (Ordinance 09-096).

Permitted Uses

The MHP zone allows a range of permitted and conditional uses including mobile and manufactured home parks. The permitted uses are intended to compliment rather than compete with a mobile and manufactured home park. Please consult the table on the back of this bulletin and SCC 30.22.100 and SCC 30.22.130 for a list of permitted and conditional uses as well as further restrictions on certain uses.

Rezones

An applicant may request a rezone into or out of an MHP zone pursuant to chapter 30.42A SCC. A public hearing is required for a rezone and final approval rests with the hearing examiner. The department is required to provide public notice pursuant to chapter 30.72 SCC. Pursuant to SCC 30.42A.100, the hearing examiner may only approve a rezone when all of the following criteria are met:

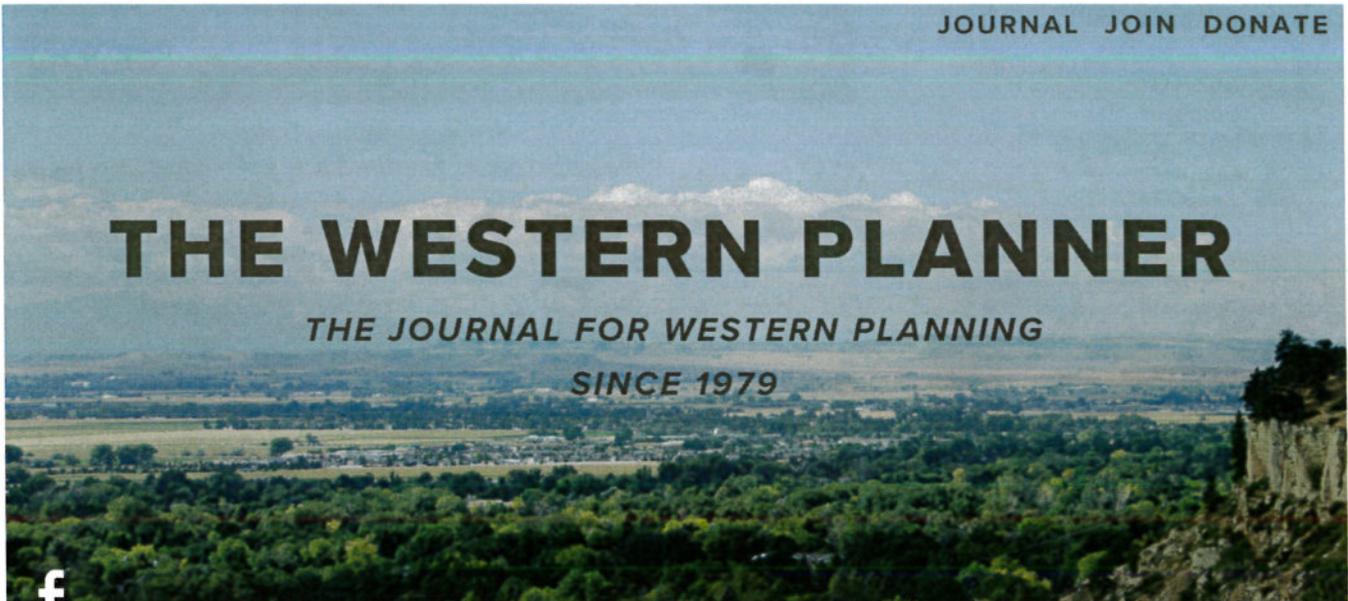
- The proposal is consistent with the comprehensive plan.
- The proposal bears a substantial relationship to the public health, safety, and welfare.
- The proposal would not increase the allowed density of residential development on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).
- Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F SCC are met.

Relationship to the GMA comprehensive plan

Policy guidance for the enactment of the MHP zone and consideration of rezones is derived from the General Policy Plan (GPP). The GPP includes several policies related to the preservation of mobile and manufactured home parks. Please consult the GPP Land Use and Housing chapters for more information.

This bulletin is intended only as an information guide. The information may not be complete and is subject to change.
For complete legal information, refer to Snohomish County Code.

Type of Use	MHP ¹¹⁴
Agriculture ⁴¹	P
Bed and Breakfast Guesthouse ⁵⁸	C
Boarding House	P
Clubhouse	P
Community Club	P
Community Facilities for Juveniles ¹⁰³	
1 to 8 Resident Facility	P
9 to 24 Resident Facility	P
Day Care Center ²	A
Dwelling, Mobile Home	P
Dwelling, Single Family	P
Family Day Care Home ⁸	P
Foster Home	P
Garage, Detached Private Accessory ⁶⁰	
Up to 2,400 sq ft	P
Guesthouse ⁸⁵	P
Health and Social Service Facility ⁹⁰	
Level I	P
Level II ⁴¹	C
Level III	C
Home Occupation ¹¹	P
Mobile Home Park ³⁸	P
Personal Wireless Communications Facilities ^{27, 41, 104, 105, 106}	C
Recreational Vehicle Park	C
Retirement Apartments	P
Retirement Housing	P
Storage Structure, Accessory ⁶⁰	
Up to 2,400 sq ft	P
2,401–4,000 sq ft on More Than 3 Acres ^{41, 59}	P
2,401–4,000 sq ft on Less Than 3 Acres ^{41, 59}	A
4,001 sq ft and Greater ^{41, 59}	C
Storage Structure, Non-accessory ⁶⁰	
Up to 2,400 sq ft	P
2,401 sq ft and Greater ^{41, 59}	C
Swimming/Wading Pool ^{17, 41}	P
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P
Utility Facilities-All Other Structures ^{27, 41}	C
P--Permitted Use, A--Administrative Conditional Use, C--Conditional Use, S--Special Use	



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Strategies to preserve mobile parks and to mitigate displacement when they are closed

July 01, 2014

Redevelopment of mobile home parks can cause challenges if the residents can not afford to move or find affordable replacement housing.



Planning Manager
City of Richland, Washington

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IMPORTANT SOURCE OF HOUSING. ACCORDING TO THE 2008-2012 AMERICAN COMMUNITY SURVEY 5-YEAR ESTIMATES, NEARLY 6.5 PERCENT OF ALL HOUSING UNITS IN THE NATION ARE MOBILE HOMES. PHOTO PROVIDED BY CLARION ASSOCIATES.



by Shelby Sommer in collaboration with Don Elliott, Ken Waido, and Ishbel Dickens

Across the nation, mobile/manufactured home parks are important sources of housing for lower income working families, seniors, and people with disabilities. While redevelopment of older or underutilized properties for higher intensity uses is part of a healthy urban economy, redevelopment of mobile/manufactured home parks can create unusual hardships if the residents cannot afford to pay to move their units or belongings or cannot find affordable replacement housing.

Sponsors



Mobile/manufactured homeowners are in a unique situation because they are both homeowners (because they own their individual units) and tenants (because they do not own the land on which their home is located). Typically, the decision of a mobile/manufactured home park owner to close the park and/or redevelop it for other uses is made without the involvement of the mobile/manufactured homeowners. Unlike an apartment tenant whose lease expires or is terminated, a mobile/manufactured homeowner must not only move their personal belongings, but must also move the house itself, or find another form of replacement housing (e.g., a rental apartment, a townhouse/condo affordable for purchase, etc.). This situation is complicated by three factors:

1

- Some mobile/manufactured homes are worth so little that it is not cost-effective to move them.

2

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 not without a relocation because of likely structural damage during the move. JOURNAL JOIN DONATE

3

- Some local governments and some mobile home park communities prohibit the siting of mobile homes constructed before 1976 because they predate federal safety standards, which may leave the mobile home owner with no viable place to move the unit.

Many communities across Colorado and the nation have experienced the closure of mobile/manufactured home parks and the challenges that result. In response to these challenges and the desire to be proactive rather than reactive about these situations, the City of Fort Collins, Colorado recently adopted a strategic plan that identifies methods to preserve mobile/manufactured parks, as well as strategies to mitigate the impacts to residents when parks close due to redevelopment. This article outlines the range of strategies set forth in the strategic plan, which may be applicable to other communities in Colorado and throughout the West that are experiencing similar challenges. These strategies fall into two categories: preservation and displacement mitigation. Implementation of the strategies identified in the Fort Collins plan is anticipated to occur over the next one to two years.



Preservation Strategies

The first set of potential strategies targets preservation of mobile/manufactured home parks by discouraging the redevelopment of the property and/or encouraging the sale to a party interested in preserving it.

Creating a specific zoning district

Some local governments create a zoning district specifically designed for mobile home parks (if one is not already provided). These districts are usually applied to existing parks in order to help preserve them, but they are also available for the creation of new mobile home parks. These districts typically permit only mobile/manufactured home residences and uses closely related to the operation of the park (e.g., clubhouses and pools), and include standards addressing layout, circulation, and utility services. Although some alternative uses of the property may be listed to allow the property owner flexibility, major commercial and other significantly different uses are generally not allowed.

While these types of ordinances are sometimes legally challenged as “takings” of private property rights, they have generally been upheld by the courts because they leave the property owner with a “reasonable economic use” of the property, especially if that use is a mobile home park that has existed on the property for many years. Also see the 9th Circuit Court of Appeals decision upholding the Tumwater mobile home park zoning ordinance <http://cdn.ca9.uscourts.gov/datastore/opinions/2012/10/29/11-35466.pdf>.

Offering financial incentives

Another strategy is to offer mobile/manufactured home park owners financial incentives in return for agreements to keep the park in operation for a period of years. For example, some local governments offer grants or loans to mobile/manufactured home park owners to invest in infrastructure maintenance and upgrades as a way to

stabilize and support these communities. Grants or loans are sometimes made available to pave (or repave) roadways, upgrade water and/or sewer systems, replace failing septic systems, improve site drainage, or to make other improvements that would prolong the useful life of the mobile/manufactured home park and/or reduce threats to public health and safety within the park.

Providing an opportunity to purchase

Some states and local governments provide mobile/manufactured homeowners an opportunity to purchase the mobile home park from the owner at a reasonable price if the owner intends to sell the park. Typically, this opportunity only applies to mobile home owners that are organized into a recognized homeowners' association registered with the state that can obtain financing as the purchasing entity. Ownership of the park itself grants a very high level of security to the residents that they will not be dislocated in the future without their consent. The opportunity to purchase a mobile home park will not significantly reduce dislocation of the residents unless they are willing and able to complete the purchase, and that requires both organization and financing. States that want to encourage this outcome have generally developed some level of financial assistance to help mobile/manufactured homeowners in this effort. The State of Colorado does not currently grant this opportunity to mobile/manufactured home owners associations, but this could be an area for potential changes to state law.

Encouraging the sale to a third party

In addition, or as an alternative to the opportunity to purchase strategy, communities could establish a process to encourage the sale of existing mobile home parks to a non-profit housing provider or land trust committed to managing the property as a source of affordable housing.

Facilitating the creation of new parks

Finally, communities could encourage or facilitate the creation of new mobile/manufactured home parks, both as an efficient source of affordable housing and to increase the number of home sites available for potential relocation from existing mobile/manufactured home parks when they redevelop. While not reducing the costs of moving a mobile/manufactured home, the availability of more park

Displacement Mitigation Strategies

The second set of potential strategies is intended to mitigate the impacts to homeowners when closure and redevelopment of their mobile/manufactured home park causes them to relocate.

Requiring additional notice of closure

Colorado law currently requires that owners of mobile home parks provide their residents at least six months' notice before closing the park or redeveloping it for another purpose. Length of closure notice requirements in other states ranges from no notice requirement to 18 months or longer. Although there are many variations of this requirement, the purpose is to give the notice recipient a fair opportunity to participate in any local approval process for the proposed redevelopment, and to provide adequate time for the homeowner, resident, or tenant to find new housing in case the proposed redevelopment is approved.

In some states, the park owner is prohibited from raising the rent on tenants during the notice period. Colorado home-rule municipalities or the state legislature could consider extending the notification requirement beyond six months to provide more time for residents to find sites for their mobile homes or alternative housing options.

Requiring a relocation report

Another potential strategy is to require the mobile/manufactured home park owner to produce a relocation report well in advance of park closure. The requirements for this type of report vary, but they typically include information such as a count of the number of residents to be displaced, an inventory of mobile/manufactured home spaces available within a certain distance of the park, rent schedules for those spaces, the assistance that the park owner will provide to help relocate the residents, and other resources from which residents can get financial, legal, and logistical help. Usually these reports must be approved by the local government, sometimes after a public hearing, and a copy of the report must be provided to each resident in the park.

Requiring payment of relocation costs

Some states and communities require mobile/manufactured home park owners or redevelopers to pay some or all of the costs of relocating mobile/manufactured homes when a park is closed or redeveloped. When payment of relocation costs is required, they are generally required to cover, but not exceed, the reasonable amount needed to relocate displaced park residents to a location of equal quality. In some cases, the relocation amount is determined on a case-by-case basis, but in other cases, it is set or capped by state statute, or a lump sum payment is required by the local government.

Requiring payment of increased rental costs

A few local governments require that – in addition to relocation costs – the mobile/manufactured home park owner or redeveloper pay any costs of increased mobile/manufactured home space rent that the relocated resident experiences for a period of time.

For more information about the City of Fort Collins’ recent planning efforts related to this topic, and to review the strategic plan, visit the following link:
<http://www.fcgov.com/socialsustainability/mobilehomeservices.php>.

Shelby Sommer is a planner for the Brendle Group in Fort Collins, Colorado. Donald L. Elliott is a Director with Clarion Associates of Colorado, LLC, a land use consulting firm with offices in Denver, Chapel Hill, Chicago, Cincinnati, and Philadelphia. Ken Waido served as Chief Planner for the City of Fort Collins for over 37 years. He is a member of the Western Planning Resources Board and has served as President for two terms and 11 years as Treasurer. Ishbel Dickens is the Executive Director of the National Manufactured Home Owners Association (NMHOA), representing manufactured homeowners across the country.

Definitions

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- **Mobile Homes:** Factory Built homes constructed prior to the June 1976 HUD Manufactured Home Construction and Safety Standards Act (HUD Code) which are transported on a permanent chassis to the property.
- **Manufactured Homes:** Factory built homes transported on a permanent chassis which are constructed in compliance with the 1976 Act. Such homes are not covered by state or local building codes and are treated as personal property unless placed on a permanent foundation and converted to real property.
- **Modular Homes:** Homes that are prefabricated and constructed on site and are covered by local and state building codes such as UBC or ICC.

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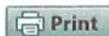
Resources

- 1 . *Policy Guide on Factory Built Housing*, American Planning Association (2001)
- 2 . National Low Income Housing Coalition, *2013 Advocates' Guide*, See pages 167-170.
- 3 . National Consumer Law Center, *Manufactured Housing Resource Guide, Protecting Fundamental Freedoms in Communities* (October 2010).

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 Rachel Girt

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