

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 09-14**

**AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON,  
AMENDING CHAPTERS 16.40 AND 19.34, AND SECTIONS 19.12.335  
AND 19.12.350 BMC CONCERNING MOBILE HOMES; PROVIDING  
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the city allows citing of manufactured housing in all residential zones of the city; and

WHEREAS, RCW 35A.21.312 requires that code cities may not adopt an ordinance that discriminates against consumers' choices in the placement or use of a manufactured home; and

WHEREAS, the city strives to treat manufactured housing equally with single family residences in accordance with state law; and

WHEREAS, Chapter 16.40 BMC makes differentiations that are not practiced; and

WHEREAS, Chapter 19.12 BMC contains definitions that need to be updated; and

WHEREAS, Chapter 19.34 BMC addresses mobile home parks and needs to be updated; and

WHEREAS, the 60-day notice was received by Washington State Department of Commerce on July 18, 2014, under material identification number 20355 informing it of the proposed change in development regulations; and

WHEREAS, a determination of non-significance (DNS) was issued on the proposal on July 2, 2014, and received no comments; and

WHEREAS, the planning commission conducted a public hearing on this proposal on July 21, 2014, and received one written comment concerning RV parks; and

WHEREAS, expedited review was granted for the proposal on July 3, 2014;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN  
AS FOLLOWS:

Section 1. Amendment to Chapter 16.40 BMC. Chapter 16.40 BMC is hereby amended as follows:

**16.40.010 Purpose.**

a. The purpose of this chapter is to ensure that all mobile and manufactured homes are installed by a certified manufactured home installer in accordance with the State Installation Code, Chapters 296-150I and 296-150M WAC to provide greater protections to consumers and make the warranty requirement of RCW 46.70.134 easier to achieve.

**16.40.020 Definitions.**

The following definitions shall be used for the purpose of this chapter:

- (1) "Authorized representative" means the building inspector for the city of Buckley.
- (2) "Building site" means a tract, parcel or subdivision of land, including a mobile home park, on which a structure is or will be installed.
- (3) "Certified manufactured home installer" means a person who is in the business of installing mobile or manufactured homes and who has been issued a certificate by the Department of Commerce, in accordance with RCW 43.22A.040, 43.22A.050, 43.22A.070, and 43.22A.080.
- (4) "Dealer" means a person, company or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying or trading structures.
- (5) "Department" means the Department Commerce.
- (6) "Director" means the Director of Commerce.
- (7) "Foundation facia" means the materials that enclose the entire perimeter of a mobile home or a manufactured home and fill the space between the exterior wall of a mobile or manufactured home and the ground.
- (8) "HUD" means the Federal Department of Housing and Urban Development.
- (9) "Labeled" means bearing the Department of Labor and Industries' insignia, HUD's insignia, or a label of approval from a testing or listing agency.
- (10) "Manufactured home" means a single-family dwelling built in accordance with the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. (Also see "Mobile home.")
- (11) "Manufactured or mobile home installation" means all on-site work necessary for the installation of a manufactured home, including:
  - (a) Construction of the foundation system;
  - (b) Installation of the support piers;
  - (c) Required connection to the foundation system and support piers;
  - (d) Skirting;
  - (e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home; and
  - (f) Extension of the pressure relief valves and drain valve outlets for water heaters, exhausts for dryer vents and so forth that are required by building codes for single family residences.
- (12) "Manufactured home standards" mean the manufactured home construction and safety standards as promulgated by the United States Department of Housing and Urban Development.
- (13) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since

introduction of the HUD Manufactured Home Construction and Safety Standards Act. (Also see “Manufactured home.”)

**16.40.030 General installation requirements.**

(1) All manufactured and mobile homes installed on a building site within the city shall be installed in compliance with the national manufactured housing procedural and enforcement regulation in subparts F and I of 24 C.F.R. Part 3282, adopted as of April 1, 1982, together with amendments thereof or additions thereto, all of which are adopted by reference, and RCW 43.22A.120, together with amendments thereof or additions thereto, all of which are adopted by reference.

(2) In addition to the requirements of subsection (1) of this section, a HUD labeled mobile home or a HUD labeled manufactured home shall be installed in compliance with the manufacturer’s installation instructions, which instructions must be approved by HUD. The instructions shall be available at the time of inspection provided for in BMC 16.40.050.

(3) In addition to the requirements of subsection (1) of this section, a mobile home not labeled by HUD shall be installed in accordance with instructions provided by a professional engineer licensed in the state of Washington.

(4) To the extent that the installation of a manufactured or mobile home is not covered by a manufacturer’s or engineer’s instructions, every mobile home shall comply with the installation requirements set forth in WAC 296-150I-0310.

(5) No person may install a mobile home or a manufactured home in the city unless the person owns the mobile or manufactured home, is a certified manufactured home installer, or is a certified manufacturer’s mobile home installation crew.

(a) A manufactured home installer certification shall not be required for site preparation; sewer and water connections outside of the building site; specialty trades responsible for constructing accessory structures such as garages, carports and decks, provided they are self supporting; pouring concrete into forms; painting and drywall finishing; carpet installation or other specialty work performed within the scope of their license by licensed plumbers or electricians.

(b) Work which does not require a certified manufactured home installer, which is performed by someone other than the mobile or manufactured home owner, shall be performed by a contractor licensed by the state of Washington for the particular work he or she is performing.

(6) Except for manufactured or mobile homes in mobile home parks existing prior to passage of this section, all mobile homes shall meet the prescribed frost depth for this area of 18 inches and soil bearing requirements of 1,500 psf or a minimum footing width of 16 inches.

**16.40.040 Installation application and permit requirement.**

(1) The owner or installer of a mobile or manufactured home within the city shall obtain an installation permit from the city building official before the owner or installer installs a mobile or a manufactured home.

(2) The application shall state the name and certification identification number of the certified manufactured home installer supervising such installation, if any.

(3) No permit to install a manufactured home shall be issued unless the installer submits a copy of the certificate of manufactured home installation to the city of Buckley; or work is being performed that does not require a certified installer.

(4) When work must be performed by a certified manufactured home installer, no work may commence until the installer’s agent has posted or otherwise made available, with the inspection

record card at the building site, a copy of the certified manufactured installer's certificate of manufactured home installation.

(5) In addition to the above, the applications may be required by the city to include the following:

(A) A site plan, including a statement from a manufactured home installer or a Washington State professional engineer that the site has adequate compaction and load-bearing ability to meet the support requirements of Chapter 4 and Tables R401.4.1 and R402.2 of the International Residential Code as adopted by the State Building Code Council or Chapter 296-150I WAC;

(B) Proposed sewer and water connections outside of the building site;

(C) Any accessory structures such as garages, carports and decks, provided they are self-supporting; and

(D) The location of any forms into which concrete will be placed.

(6) Mobile or manufactured homes shall meet Section R403 of the IRC; because of land contours this distance may vary and any difference shall be approved by the building official before installation.

(7) The applicant for an installation permit shall include with the application a permit fee in accordance with BMC 16.06.020(23).

(8) For all other attached or detached structures, the applicant shall be charged a permit fee calculated by the building official in accordance with BMC 16.06.020(7).

(9) The building official may issue a building permit after reviewing and approving the documents required by this section and the site plan to ensure conformity to the Buckley Municipal Code.

#### **16.40.050 Inspections.**

No occupancy permit shall be granted or occupancy permitted until after the following conditions are met:

(1) After all aspects of the installation, other than installation of the foundation facia, have been completed, the installer of a mobile home or a manufactured home within the city shall call for an inspection of the installation by the city building inspector.

(2) The city building official shall approve the installation of a mobile home or a manufactured home and allow the home to be occupied only if the installation complies with the installation requirements of the manufacturer, WAC296-150I-0310, and the requirements of the Buckley Municipal Code.

(3) If the installation does not comply with the installation requirements of this chapter and/or the code, the city building inspector shall provide the installer with a list of corrections that the installer must make. Re-inspection fees may be charged on an hourly basis in accordance with the city's fee resolution, with a minimum of one hour charged.

Section 2.      Amendment. Section BMC 19.12.335 is amended as follows:

#### **19.12.335 Manufactured home (also mobile home).**

“Manufactured home” or “mobile home” means a structure designed and constructed to be transportable in one or more sections, built on a permanent chassis, designed to be used as a dwelling with or without a permanent foundation and which is built in accordance with the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act.

Section 3.     Amendment. Section BMC 19.12.340 is amended as follows:

**19.12.340 Manufactured home park or MHP.**

“Manufactured home park” or “MHP” means a site that is occupied or designed for occupancy by two or more manufactured.

Section 4.     Amendment. Chapter 19.34 BMC is amended as follows:

**19.34.010 Purpose.**

The purpose of this chapter is to establish standards for the development of manufactured home parks (MHPs). Such standards are necessary to ensure the development of well-planned MHP facilities.

**19.34.020 Manufactured home parks – Establishment.**

Where permitted, manufactured home parks shall meet the following minimum requirements:

(1) When two to four manufactured homes are to be located on a lot or parcel, the applicant shall submit a site plan for staff review and approval. The site plan shall show compliance with all performance regulations established by this chapter.

(2) When five or more manufactured homes are to be located on a lot or parcel, such manufactured home parks shall be permitted only upon the issuance of a site plan review permit processed pursuant to Chapter 19.33 BMC. Plans and documents submitted as part of the site plan review application shall show compliance with all performance regulations established by this chapter and Chapter 19.33 BMC.

(3) MHP sites shall be 4,000 square feet (sf) for each single or double wide home; and 5,000 sf for each triple wide home.

(4) Subdividing MHP property is unnecessary if the MHP property remains the property of one person.

(5) Any applicant shall submit, along with the application, plans, drawings and other information sufficient to determine whether the manufactured home park complies with the performance standards contained in BMC 19.34.030. Each application shall include the following:

(a) Overall site development plan showing location of all manufactured home pads, buildings and uses, areas devoted to open space and buffering, ingress and egress points, and internal pedestrian and vehicular circulations. Such plans shall include at least the following:

(i) Location, width and typical cross-sections of internal circulation streets;

(ii) Location and size of all manufactured home pads, with patio and/or deck areas and percent of impervious surface coverage of the site;

(iii) Location and size of all parking and bulk storage areas;

(iv) Location and size of open space areas required by BMC 19.34.030(5);

(v) Existing and proposed topography at contour intervals of no more than two feet;

(b) Storm drainage report complying with Chapter 14.30 BMC;

(c) General landscape plans showing location of buffers and open spaces. Detailed landscape plans must be submitted to, and approved by, the decision maker prior to initial site work.

(6) Improvements required by the approved site plan shall be completed or bonded as required by this code. Failure to comply with the requirements of the decision maker and/or the official site plan shall be sufficient grounds to revoke the site plan review permit.

### **19.34.030 Manufactured home parks – Performance regulations.**

The performance criteria set forth in this section shall be minimum criteria. The decision maker may impose more restrictive conditions if those restrictions are necessary to further the intent and purpose of the zoning code or comprehensive plan; provided, however, if more restrictive standards are imposed, the decision maker shall set forth in writing its reasons for adopting more stringent standards and said decision may be appealed, within 10 calendar days of issuance of the permit, to the city council for its review. The council may approve, deny or modify the additional standards.

(1) Evidence of Water and Sewer Facilities. The developer shall present evidence to indicate the following:

(a) The proposed development will meet the water and sewage disposal requirements of all state, county and city codes and regulations.

(b) The proposed MHP will be served by a fire protection system meeting the requirements of all state, county, and city codes and regulations. Such system may be combined with the domestic water supply system required in subsection (1)(a) of this section.

(2) Circulation System.

(a) All interior MHP streets or drives shall be private.

(b) The proposed MHP streets shall be constructed within an easement that extends at least two feet beyond the paved surface and shall be at least 30 feet in width.

(c) Park streets shall have a minimum paved width and surfacing as follows:

(i) Park streets shall have a minimum paved width of 20 feet with additional eight-foot parking lane(s) if on-street parking is proposed;

(ii) Park streets shall have surfacing depths as proposed by a licensed engineer and approved by the city engineer.

(d) Cul-de-sacs shall meet requirements of the Development Guidelines and Public Works Standards.

(e) Points of ingress and egress with city rights-of-way shall be in accordance with the public works department's standards.

(3) Bulk Requirements.

(a) Setbacks. All manufactured homes, together with their additions and appurtenant structures, accessory structures and other structures on the site (excluding fences), shall observe the following setbacks (excluding any hitch or towing fixture) which supersede the standards of the underlying district:

(i) Park streets, 15 feet from centerline of the MHPs access easement, but in no case less than five feet from the paved surfaced edge, whether street or parking lane pavement;

(ii) Exterior site boundary, 20 feet; unless on an arterial, in which case exterior site boundary shall be 50 feet.

(b) Structure Separations. A minimum 10-foot separation shall be maintained between all manufactured homes, together with their habitable additions and accessory structures.

(i) A covered carport and bulk storage area shall be considered an accessory structure.

(ii) When a side entrance door is adjacent to the parking areas, then the minimum width of the parking areas shall be 12 feet.

(4) Parking Requirements.

(a) Two off-street paved parking spaces, located adjacent to each respective manufactured home pad, shall be provided for each unit. The parking areas and bulk storage areas shall be a minimum of 46 feet in length, when parking is provided alongside the manufactured home.

(b) Off-street guest parking shall be provided at the ratio of one parking space for each four manufactured home pads and shall be provided by separate paved parking areas.

(i) Clubhouse and community building parking facilities may account for up to 50 percent of this requirement.

(c) All off-street parking spaces shall be a minimum of 10 feet by 20 feet.

(5) Open Space. All MHPs shall include a minimum of 10 percent of the site areas for open space. The open space shall be owned and maintained by the owners of the MHP.

(6) Lighting. Adequate lighting shall be provided to illuminate streets, driveways and walkways for the safe movement of pedestrians and vehicles. Lighting shall be as required in the Development Guidelines and Public Works Standards..

(7) Utilities. All utility lines shall be underground and shall be approved by the agency or jurisdiction providing the service.

(8) Storm Drainage. Sites shall be constructed in compliance with the storm drainage provisions Chapter 14.30 BMC.

(9) Installation. Except for homes placed in MHPs existing at the time of this chapter's adoption, all manufactured homes shall be installed in accordance with 16.40 BMC and RCW 35A.21.312(1.a through 1.e).

(11) Parking Carport. Manufactured homes shall have at minimum a carport for parking, that is a minimum 12 feet by 46 feet when alongside the home, to accommodate two parking spaces and the bulk storage unit, and made from aluminum or an approved alternative.

(12) Storage. Individual storage units shall be provided for each manufactured home lot and shall be a minimum of six feet by nine feet. The storage units shall be incorporated into the parking carport design.

(13) Landing. Each manufactured home entrance shall be provided with a concrete landing and steps. The landing shall be a minimum of three feet by three feet or larger.

(14) Roof Slope. Each manufactured home shall have a roof slope of 4:12, no less than a four-foot rise to every 12 feet of horizontal run.

(15) The tongue and axle shall be removed from each manufactured home.

**19.34.040 Additional regulations.**

MHPs shall be subject to all additional regulations of the zoning code except where this chapter is expressly to the contrary of any other section of the zoning code. In that case, this chapter shall apply.

Section 5. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 23<sup>rd</sup> day of September, 2014.

  
MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

  
CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

  
PHIL OLBRECHTS

PUBLISHED: OCTOBER 1, 2014

EFFECTIVE: OCTOBER 6, 2014