

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore Planning Commission Meeting Agenda

Tuesday, January 23, 2018 @ 7:00 p.m.

**Kenmore City Hall
18120 68th Ave. NE, Kenmore, WA 98028**

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call Bridgit Baker at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Planning Commission agendas are also available on our website at www.kenmorewa.gov.

1. CALL TO ORDER

2. AGENDA ITEMS

- Roundtable with Mobile Home Park Property Owners
- Discussion of Format and Questions for January 30 Meeting

[January 23 & January 30 Public Meeting Memo](#)

[Attachment 1 - Ques to MHP prop owners](#)

[Attachment 2 - Email from Comm Ohrenschall](#)

[Attachment 3 - Email from Chair Nugent](#)

[Attachment 4 - Draft list of ques](#)

[City of Kenmore Service Request](#)

[Lakewood Villa letter](#)

3. ADJOURNMENT

4. UPCOMING MEETINGS:

January 30, 2018, 7:00 p.m.

February 6, 2018, 7:00 p.m.



18120 68TH AVENUE NE PO Box 82607
KENMORE, WASHINGTON 98028

MEMO

TO: Planning Commission

FROM: Debbie Bent, Community Development Director *DB*
Lauri Anderson, Senior Planner *WA*
Arthur Sullivan, ARCH Program Manager
Mike Stanger, ARCH Planner

DATE: January 17, 2018

SUBJECT: January 23 and January 30 Public Meetings

On January 23, a roundtable meeting with MHP property owners will be held. We will ask other attendees not to speak, to give the property owners time and space to present their perspectives on the topic. The list of questions mailed to property owners (which will serve as the foundation for your discussion) is included as Attachment 1.

On January 30, a meeting with MHP residents will be held. Staff has heard from some residents that they would prefer that everyone be allowed to speak at that meeting. Staff continues to recommend that small group discussions occur (by park), with 1-2 Commissioners and a staff person present with each group. After the small group discussions, information would be presented back to the full Planning Commission by representatives of each MHP as selected by their group. This information could be augmented by the attending Planning Commissioner, staff, or anyone participating in the discussions.

Although a letter of invitation is being mailed to the residents this week, the questions to residents, at the request of Chair Nugent, have not been finalized. Chair Nugent has asked that background information be added to the list of questions, using his following points:

1. Job growth in recent years has greatly increased regional population. This trend is expected to continue.
2. This increase in regional population has greatly increased demand for housing.
3. The supply of new housing units has not increased enough to satisfy housing demand. So the price of housing (both renting and buying) has gone up dramatically.
4. The main reason for lack of housing supply is lack of buildable land for new units near jobs or commuting centers to jobs.
5. This shortage of land has caused land values to increase dramatically.
6. The increase in regional land values has caused MHP land rents to increase, and this is also expected to continue.
7. Experts agree that the first step in increasing housing supply in an area with limited buildable land is for governments to allow for greater housing density in existing

- residentially zoned areas. This means allowing and/or increasing the number of multistory townhouses, apartment buildings, and/or condominiums that can be built.
8. It also means providing incentives and reasonable zoning policies to encourage investment and construction of more housing.
 9. There are thousands of residents in this area who don't live in MHPs who are also struggling to find or afford housing. Additional housing needs to be built to address their housing needs also, and the Commission feels that the City needs to also consider this element of the affordable housing problem.
 10. The City has benefited from those who purchased land to be used as MHPs over the years. Without these investments, there would never have been the MHPs in Kenmore that we have now and have had for many years.
 11. At the time the MHP land was purchased, the zoning for that land gave the owners a reasonable expectation of redevelopment potential and increased land value. Without that zoning and reasonable expectation for a return on their investments, it is unlikely that the owners would have purchased the land and allowed it to be used as an MHP.
 12. If the City simply rezones the MHPs to now deprive the MHP owners of their current development rights, this would essentially punish the MHP owners for having invested in affordable housing and would discourage future investors from buying and operating MHPs (or other types of affordable housing) in the future, as they would know that future development or increases in land values could likewise be taken away by the City. This would further reduce the amount of affordable housing available for others in the future.

His points speak to the Commission's interest—expressed in earlier meetings—in “no net loss” of either affordability or new density. However, Chair Nugent recognizes that even though the Commission has agreed on most of these economic points as part of the original affordable housing analysis, the group as a whole has not fully agreed on the MHP extrapolations.

If the Commission as a whole wishes to make these points to residents, staff recommends that a summary of the points be presented at the public meeting. Staff already anticipates giving a short presentation about the MHP project at the beginning of the meeting; this also would be an opportunity to talk about the balance inherent in the scenarios.

Additional revisions to the draft list of questions have been recommended by Commissioner Ohrenschall and Chair Nugent (see Attachments 2, 3 and 4). Staff recommends that the Commission discuss these amendments and settle on the final questions on January 23. (The questions must be translated and then mailed within a few days of that meeting.) Staff will have suggestions related to the question about MHP purchase by residents at the meeting.

We've also enclosed for your review copies of two communications: one from Christine Link and one from the attorney for Lakewood Villa Mobile Home Park, Walter Olsen.

Attachments

- Attachment 1: Questions provided to MHP property owners
- Attachment 2: Email from Commissioner Ohrenschall
- Attachment 3: Email from Chair Nugent
- Attachment 4: Draft list of questions for MHP residents

Questions for Mobile Home Park (MHP) Property-Owners

1. What is your 5-, 10-, 15- year vision for your property?
2. Are there issues that could limit any redevelopment plans? For example, existing zoning, size of lot, critical areas (wetlands, streams, waterfront, etc.)?
3. What are the biggest challenges to preservation of your mobile home park and others in Kenmore? What would be the most effective action(s) the City of Kenmore could take to help you preserve your park?
4. Under what conditions would sale of the park to the residents or a non-profit be acceptable?
5. What are your reactions to the scenarios discussed so far by the Planning Commission?

Scenario 1. (a) For certain MHPs, control redevelopment by rezoning to designate MHPs as a permitted use and limiting other currently permitted land uses, (b) Rezone these parks to allow park owners to transfer their development rights (TDR) from the MHP to another designated area and property where increased density is suitable. The TDR would be in exchange for the park owner and/or its buyer having to preserve the MHP use of the park. In this scenario, the park owner could sell its "lost" density to an owner (or buyer) of other TDR designated property seeking to build higher density housing. (c) Because Kenmore has limited areas that are suitable for TDR density increases, and because affordable housing is a regional problem, the Commission is interested in pursuing a TDR agreement with other cities to increase the opportunities and likelihood for TDR transactions to occur.

Scenario 2. (a) Rezone certain MHPs for greater density but require new development to include a certain percentage of units as affordable for residents at a level of income roughly equivalent to the housing costs that mobile home park residents are currently paying. The goal is for redevelopment to include at least as many affordable units as the number of living units at the MHP that would be redeveloped. (b) As part of this, provide the current MHP residents with a

"right of first opportunity" to rent the newly built affordable units. (c) For residents who do not want to move into the new units, provide a certain amount of relocation assistance funds to facilitate their relocation. The relocation assistance amount is a direct financial assistance item to be considered by the City Council.

Scenario 3. The Commission has been informed that there is a state agency and/or program that assists MHP residents with financing the purchase of their MHP in the event the MHP owner chooses to sell. The Commission has also been told that this program contains certain financial requirements that make it difficult for residents to borrow funds sufficient to offer a purchase price that meets fair market value for the property. The Commission is interested in exploring ways in which the City of Kenmore could assist residents seeking to use these programs (i.e., bridge the financing gap) so that MHP residents could finance a purchase at the market price of the MHP. Like relocation assistance, this would be a direct financial assistance item to be discussed by the City Council.

6. Various ideas have been raised to mitigate the impacts on residents of park closures, including relocation assistance, guaranteed right-to-rent in new affordable units, a longer time for notice of park closure, and more. Which of these or other ideas would you support or consider?
7. Do you have other ideas that would balance the City's desire to preserve existing affordable housing with the desire to provide more housing units generally?
8. The Planning Commission focus is on land use regulations. Financial assistance measures could be part of a future Council discussion. What financial assistance measures would be helpful, in particular with the goal of preserving the existing housing in the MHPs or minimizing operational costs to owners or fees/costs to residents?

Lauri Anderson

From: Mark Ohrenschall
Sent: Sunday, January 14, 2018 11:05 AM
To: Lauri Anderson
Cc: Mark Ohrenschall
Subject: Re: Questions for Mobile Home Park Residents

Hi Lauri ...

Very good questions, as with the owners, and two suggested revisions, as with the owners ...

1) On question No. 5, I think the wording should reflect more of the responsibilities and probably challenges of residents buying a park. Mortgages and homeowner assn's are part of it, but there must be other financial, legal, maybe regulatory aspects. I don't know what those are specifically, but I think the question should make clearer the scope of what a purchase would involve, at least generally.

2) On question No. 6, I would include wording asking residents their priorities for those potential mitigations, something like: Which of these ideas would you find most beneficial if your park is closed?

Thanks.

Mark O.

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From: Lauri Anderson <landerson@kenmorewa.gov>
Sent: Wednesday, January 10, 2018 3:32 PM
Subject: Questions for Mobile Home Park Residents
To: Planning_Commission <planning_commission@kenmorewa.gov>

Hello-- As promised, here are the draft questions for the mobile home park residents (meeting on Jan. 30). Please send edits or suggestions to me as soon as possible. (Please do not "reply all.")

Thanks!

Lauri

Lauri Anderson, AICP

Senior Planner | City of Kenmore, WA
18120 68th Ave NE | Kenmore, WA 98028
Tel: 425.398.8900 | Fax: 425-481-3236
landerson@kenmorewa.gov | www.kenmorewa.gov

Lauri Anderson

From: Doug Nugent
Sent: Tuesday, January 16, 2018 11:09 AM
To: Lauri Anderson
Subject: Fw: KPC Mobile Home Park Proposals

To continue again:

1. I think the Commission should meet before questions to Residents are issued. As you know, I think more background explaining the Commission's current views on the subject would help Residents better understand the Commission's reasoning and make that part of the process far more constructive.
2. I would like to add the following question immediately before your current question 7: "Do you think it's appropriate for the City to consider the interests of nonresidents on this issue?"

SDN

From: Doug Nugent
Sent: Tuesday, January 16, 2018 11:03 AM
To: Lauri Anderson
Subject: Re: KPC Mobile Home Park Proposals

For some reason, my emails on this program sometimes go out before I finish. To continue:

1.

From: Lauri Anderson
Sent: Tuesday, January 16, 2018 7:38:48 AM
To: Doug Nugent
Subject: RE: KPC Mobile Home Park Proposals

Good morning, Doug—

1. How about "Because Kenmore has limited areas that are suitable for TDR density increases, and because affordable housing is a regional problem, the Commission is **interested in pursuing** a TDR agreement with other cities to increase the opportunities and likelihood for TDR transactions to occur." I guess my discomfort is with the word "recommendation" ("the Commission recommends the City of Kenmore pursue") because recommendations usually are made by vote and we haven't heard from more than 3 Commissioners, as you note. I will say that, historically, I have viewed support for a policy through a nodding of heads, if not through a direct vote. That is why I sometimes say, "I haven't heard from the full Commission" when something is discussed and only a few Commissioners have indicated their position. Silence or the lack of objection may not mean that Commissioners have agreed to a final recommendation on a policy—they may be interested in learning more about a topic. That is the conclusion I made on this issue, particularly as the Commission was discussing preliminary research parameters for the TDR scenario.

2. OK.
3. "Roughly equivalent" is fine with me.
4. I'll take out the "if legal." We're having it checked anyway. The "soon to be former" agenda bill section that discusses first right to buy the MHP did have the "if legal" caveat.

As soon as I hear from you, I will send out the email to the Council and will have hard copies for them this evening...

Lauri

Lauri Anderson, AICP

Senior Planner | City of Kenmore, WA
18120 68th Ave NE | Kenmore, WA 98028
Tel: 425.398.8900 | Fax: 425-481-3236
landerson@kenmorewa.gov | www.kenmorewa.gov

From: Doug Nugent
Sent: Friday, January 12, 2018 2:09 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Cc: Debbie Bent <Dbent@kenmorewa.gov>
Subject: Re: KPC Mobile Home Park Proposals

1. I disagree about lack of agreement for participating in a regional TDR. The standard for Commission action, of course, is majority rather than consensus. But even after you expressed doubt over a regional program, Commissioners Vanderlinde and Ohrenschal (and I) still brought it up and indicated that we wanted to pursue it. And I don't recall hearing any objections to it. Given that 3 commissioners expressly favored it and no one objected, I think it appears that at least a majority are inclined to pursue it. Historically, that kind of tacit support had been sufficient for the Staff to infer sufficient commissioner agreement or interest to establish a position or pursue a course of action. It was enough for one or two commissioners to raise a point and, if no commissioner objected, staff would infer majority approval. For some reason the Staff's standards for that inference have grown much stricter for Mobile Home Park proposals.
2. No. I had expressed concerns about an first right of refusal to buy a park, which I think was proposed early in the process, and pointed out difficulties that would create for a fair market sale. I don't recall any commissioner defending the idea. FWIW, I am willing to revisit the topic. But I don't recall it receiving commissioner support after I raised my concerns and objection.
3. I oppose changing "commensurate" to "equal to". They have slightly different meanings. I am willing to use the phrase "roughly equivalent".
4. Everything proposal is subject to "if legal", so I think it's superfluous and casts a selectively bad light on that proposal. Ironically, as noted above, I think ARCH supported a right of first refusal for residents purchasing an MHP, and Staff did not question its legality in that context. I also think, given the use of ROFRs in many real estate contexts, that it's unlikely that a providing a similar right in this context would be found illegal. So I was surprised when I first saw the "if legal" caveat in Staff materials. I'm fine if the City Attorney reviews this, however.

Your bullet points did not show in red on the email I received. If there's some other edit you propose, LMK.

SDN

From: Lauri Anderson
Sent: Friday, January 12, 2018 1:40:25 PM
To: Doug Nugent
Cc: Debbie Bent
Subject: RE: KPC Mobile Home Park Proposals

Hi Doug-- Just a few suggestions, below, in red.

- It is not clear to me that there is a firm consensus of Commissioners who want to participate in a regional TDR, although Commissioners definitely asked us to research it (whether through the County or with adjoining cities) and I assume this will be a forthcoming discussion.
- Do you think we should mention the "first opportunity to buy the park" in your Scenario 3?
- For Scenario 2, I've suggested we change the word "commensurate" to "equal to." I think some of the public participants may not understand "commensurate".
- Lastly, I think we should retain the "if legal" question on the right of first opportunity to rent (and I have a message in to the City Attorney for an opinion and have acknowledged that in the agenda bill).

Give me a call if it's easier to discuss my comments over the phone...

Too, I will send the email to the City Council, but will wait until Tuesday so that I can include other Planning Commissioners' comments, if any.

Thanks for your quick turnaround!

Lauri

From: Doug Nugent
Sent: Friday, January 12, 2018 12:28 PM
To: Lauri Anderson <landerson@kenmorewa.gov>
Subject: KPC Mobile Home Park Proposals

Lauri,

The following is my understanding of the Planning Commission's current proposals for balancing the competing interests and economic forces affecting affordable housing and mobile home parks (MHP). As you know, the Staff and Commission are still gathering information on the feasibility and potential consequences of these proposals, so they are very preliminary:

Scenario 1. (a) For certain MHPs, control redevelopment by rezoning to designate MHPs as a permitted use and limiting other currently permitted land uses, (b) Rezone these parks to allow park owners to transfer their development rights (TDR) from the MHP to another designated area and property where increased density is suitable. The TDR would be in exchange for the park owner and/or its buyer having to preserve the MHP use of the park. In this scenario, the park owner could sell its "lost" density to an owner (or buyer) of other TDR designated property seeking to build higher density housing. (c) Because Kenmore has limited areas that are suitable for TDR density increases, and because affordable housing is a regional problem, the Commission has

asked that staff research a TDR agreement with other cities to increase the opportunities and likelihood for TDR transactions to occur.

Scenario 2. (a) Rezone certain MHPs for greater density but require new development to include a certain percentage of units as affordable for residents at a level of income roughly equal to the housing costs that mobile home park residents are currently paying. The goal is for redevelopment to include at least as many affordable units as the number of living units at the MHP that would be redeveloped. (b) As part of this, provide the current MHP residents with a "right of first opportunity" to rent the newly built affordable units (if legal). (c) For residents who do not want to move into the new units, provide a certain amount of relocation assistance funds to facilitate their relocation. The relocation assistance amount is a direct financial assistance item to be considered by the City Council.

Scenario 3. The Commission has been informed that there is a state agency and/or program that assists MHP residents with financing the purchase of their MHP in the event the MHP owner chooses to sell. The Commission has also been told that this program contains certain financial requirements that make it difficult for residents to borrow funds sufficient to offer a purchase price that meets fair market value for the property. The Commission is interested in exploring ways in which the City of Kenmore could assist residents seeking to use these programs (i.e., bridge the financing gap) so that MHP residents could finance a purchase at the market price of the MHP. Like relocation assistance, this would be a direct financial assistance item to be discussed by the City Council.

Lauri, please LMK if you have revisions to suggest. After we agree on revisions, if any, my understanding is that you will send my description to the City Councilmembers for their review prior to the January 16, 2018 Council meeting. I understand that you will also be revising the draft letters to MHP owners and residents to reflect these revised scenarios. Please call if you have any questions.

Douglas Nugent, Chair

Questions for Mobile Home Park (MHP) Residents

1. What are your 5-, 10-, 15- year plans for your current residence?
2. What are the aspects of your current living situation that you most value?
3. Are there aspects of your current living situation that you would like to change?
4. What are your reactions to the scenarios discussed so far by the Planning Commission?

Scenario 1. (a) For certain MHPs, control redevelopment by rezoning to designate MHPs as a permitted use and limiting other currently permitted land uses, (b) Rezone these parks to allow park owners to transfer their development rights (TDR) from the MHP to another designated area and property where increased density is suitable. The TDR would be in exchange for the park owner and/or its buyer having to preserve the MHP use of the park. In this scenario, the park owner could sell its "lost" density to an owner (or buyer) of other TDR designated property seeking to build higher density housing. (c) Because Kenmore has limited areas that are suitable for TDR density increases, and because affordable housing is a regional problem, the Commission is interested in pursuing a TDR agreement with other cities to increase the opportunities and likelihood for TDR transactions to occur.

Scenario 2. (a) Rezone certain MHPs for greater density but require new development to include a certain percentage of units as affordable for residents at a level of income roughly equivalent to the housing costs that mobile home park residents are currently paying. The goal is for redevelopment to include at least as many affordable units as the number of living units at the MHP that would be redeveloped. (b) As part of this, provide the current MHP residents with a "right of first opportunity" to rent the newly built affordable units. (c) For residents who do not want to move into the new units, provide a certain amount of relocation assistance funds to facilitate their relocation. The relocation assistance amount is a direct financial assistance item to be considered by the City Council.

Scenario 3. The Commission has been informed that there is a state agency and/or program that assists MHP residents with financing the purchase of their MHP in the event the MHP owner chooses to sell. The Commission has also been told that this program contains certain financial requirements that make it difficult for residents to borrow funds sufficient to offer a purchase price that meets fair market value for the property. The Commission is interested in exploring ways in which the City of Kenmore could assist residents seeking to use these programs (i.e., bridge the financing gap) so that MHP residents could finance a purchase at the market price of the MHP. Like relocation assistance, this would be a direct financial assistance item to be discussed by the City Council.

5. Would you be interested in/willing to help with the purchase of your park by the residents or a non-profit? This likely would involve a mortgage (rather than rent), formation of a homeowners' association, etc.

6. If your park were to be redeveloped, are there ideas that would make relocation more acceptable to you? For example, relocation assistance, “right of first opportunity to rent or buy” a rent-controlled apartment in the new building, longer timeframe for notice of the park closure, etc.
7. Do you have other ideas that would balance the City’s desire to preserve existing affordable housing with the desire to provide more new housing units generally?
8. The Planning Commission focus is on land use regulations. Financial assistance measures could be part of a future Council discussion. What financial assistance measures would be helpful, in particular with the goal of preserving the existing housing in the MHPs or minimizing operational costs to owners or fees/costs to residents?
9. If there is a need for us to do some research about these options, would you be willing to provide basic household income information?

Lauri Anderson

From: Lauri Anderson
Sent: Wednesday, January 17, 2018 8:03 AM
To: Lauri Anderson
Subject: Service Request: 14567

CITY OF KENMORE**SERVICE REQUEST**

Service Request ID	14567
Problem Description	DS INQUIRY
Priority	Medium
Has caller been responded to	N
Date that caller was responded to	
Need to contact caller by this date	1/30/2018 11:10:27 AM
Incident Address	MULTIPLE LOCATIONS/CITYWIDE
Incident Apt Number	
Incident Location	All six mobile home parks
Incident City	
Incident State	
Incident Zip	
Service Request Initiated By	QUINN, JANET
Date & Time Service Request Initiated	1/16/2018 11:10:27 AM
Submit To	BENT, DEBBIE
Submit To Date	1/16/2018 11:10:33 AM
Submit To Open By	
Date SR Was Opened By Submit To	
Dispatch To	BAKER, BRIDGIT
Dispatch To Date	1/16/2018 11:10:35 AM
Dispatch Open By	
Dispatch To Open Date	
Status	Open
Closed By	
Closed Date	
Service Request Incident Info	Concerns about potential rezoning
Existing Service Request Comments	By QUINN, JANET: 1/16/2018 11:10:52 AM Please remember that residents of mobile home parks are not units but humans.If you rezone and owners sell where do these people go?A paltry few would get affordable housing in the new buildings and where do upwards of 400 humans go while they are built.There is absolutely no need to rezone until you have addressed their displacement.The sum listed to move them is nowhere near the amount needed.I feel that this is a move to remove the poor from the community.
Code Compliance Case Number	
LFP Work Order Number	

King County Discretionary Req Number	
Historical Number	

CALLER INFORMATION

First Name	Last Name	Address	Apt. #
CHRISTINE	LINK	7052 NE 145th St.	

City	Zip	Home Phone	Work Phone	Other Phone
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Customer Comments	Caller Problem Details
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Customer Email	Cell Phone
CLLINK@ROADRUNNER.COM	

OLSEN LAW FIRM PLLC

WALTER H. OLSEN, JR., ATTORNEY
B. TONY BRANSON, ATTORNEY
MICHAEL D. McLAUGHLIN, ATTORNEY

DOUG SCHARNHORST, CONTROLLER/PARALEGAL
JANICE MUNSON, PARALEGAL
LIGIA PARKER, PARALEGAL
KELLEY GILBERTSON, LEGAL ASSISTANT

January 2, 2018

City of Kenmore Planning Commission
18120 68th Ave. N.E.
Kenmore, Washington 98028

Re: Lakewood Villa Mobile Home Park
7031 N.E. 175th Street
Kenmore, WA 98028

Dear Commissioners:

I represent the owner of Lakewood Villa with regard to the City of Kenmore's consideration of its Housing Strategy Plan. I have reviewed the Planning Commission Minutes for its meeting on December 5, 2017, as well as the Memorandum from the Community Development Department dated December 22, 2017 (the "Memo").

Lakewood Villa intends to continue operating as manufactured housing community for older persons age 55 or older for the foreseeable future, but its investment backed expectation is to sell Lakewood Villa to a future purchaser who may have other long-term plans for the property that are inconsistent with the new MHP zone that is described in Scenario 1 of the Memo. My client's investment backed expectation is a property right which remains constitutionally protected under our state and federal constitution.

While the 9th Circuit of our federal Court of Appeals ruled in 2012 that three mobile home parks in Tumwater were unable to prove sufficient economic impact from Tumwater's MHP zone, that ruling is limited to the unique facts in the case of *Laurel Park v. City of Tumwater*. The federal court did not rule that "mobile home park zoning placed over existing mobile home parks was constitutional" in all cases as implied in paragraph "1" on page 4 of the Memo. Given the right case in which a mobile home park owner suffers sufficient economic impact from a MHP zone, a federal or state court could decide differently. For example, Lakewood Villa is on waterfront property (the Lake Washington Slough), and its resulting higher property value and unique facts could very well demonstrate a sufficient economic impact to satisfy federal and state case law.

Accordingly, Lakewood Villa favors the Relocation Report and Plan requirements as described in Scenario 2 of the Memo. Other cities have successfully implemented ordinances which require that any manufactured housing community owner first apply for and obtain an approved Relocation Report and Plan ("RRP") *before* any tenant receives a written notice of community closure. For example, the City of Seattle's attached ordinance requires that any RRP include the below information:

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with chapters 59.20 and 59.21 RCW, relating to mobile home relocation

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assistance, and with Sections 22.904.400 through 22.904.480. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;
2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;
4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;
5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;
6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;
7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap, and Pierce Counties;
8. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;
9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and
10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.

See attached SMC 22.904.410-.460. The City of SeaTac has a similar RRP ordinance. See attached.

Scenario 2 would result in a better balance between preserving affordability and protecting new future density in Kenmore as contemplated by both the Growth Management Act and paragraph 4 of the Planning Commission's Meeting Minutes for December 5, 2017. Scenario 1 offers no balance between affordability and the City's future density requirements. Therefore, Lakewood Villa respectfully requests that the Planning Commission continue to consider Scenario 2, and remove Scenario 1 from its future consideration.

Sincerely,



Walter H. Olsen, Jr.

22.904.400 - Reservation of mobile home lots.

All mobile home park lots shall be reserved for use by mobile homes. No recreational vehicle may displace or replace a mobile home in any mobile home lot; provided, that nothing in this chapter shall be construed to require displacement of any recreational vehicle occupying a mobile home lot on the effective date of the ordinance codified herein; ^[22] and further provided, that when a mobile home lot becomes vacant for any reason, it may not be occupied by a recreational vehicle unless the vacant mobile home lot, because of its size, irregular configuration, or inadequate utilities or facilities, cannot accommodate a mobile home.

(Ord. 115183 § 2(part), 1990.)

22.904.410 - Eviction notices for change of use or closure of a mobile home park.

- A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under chapter 59.21 RCW, the mobile home park owner must first submit to the Seattle Department of Construction and Inspections a relocation report and plan that meets the requirements of Section 22.904.420. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with the master use permit application. Once the Director of the Seattle Department of Construction and Inspections determines that the relocation report and plan meets the requirements of Section 22.904.420, the Director shall stamp approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Director of the Seattle Department of Construction and Inspections determines that the relocation report and plan does not meet the requirements of Section 22.904.420, the Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this Chapter 22.904 before approving it.
- B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the 12 month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030. No mobile home park tenant who rents the mobile home in which the tenant resides may be evicted until the 12 month notice period expires, except for good cause as defined in Section 22.206.160. No mobile home owner who rents a mobile home lot may be evicted until the 12 month notice period expires, except pursuant to the Manufactured Mobile Home Landlord-Tenant Act, chapter 59.20 RCW.

(Ord. 124919, § 127, 2015; Ord. 115183 § 2(part), 1990.)

22.904.420 - Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with chapters 59.20 and 59.21 RCW, relating to mobile home relocation assistance, and with Sections 22.904.400 through 22.904.480. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;
2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;
4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;
5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;
6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;
7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap, and Pierce Counties;
8. Actions the mobile home park owner will take to refer mobile home park

tenants to alternative public and private subsidized housing resources;

9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and
 10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.
- B. The Director of the Seattle Department of Construction and Inspections may require the mobile home park owner to designate a Relocation Coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants and the Seattle Department of Construction and Inspections and other City and State offices to ensure compliance with the relocation report and plan and with state laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.
- C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Once the Director of the Seattle Department of Construction and Inspections approves the relocation report and plan, a copy of the approved relocation report and plan shall be delivered to each mobile home park tenant with the required 12 month eviction notice.
- D. The mobile home park owner shall update the information required under this Section 22.904 to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

(Ord. 124919, § 128, 2015; Ord. 115183, § 2(part), 1990.)

22.904.430 - Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park or establish a change of use of a mobile home park until the mobile home park owner obtains a certificate of completion from the Seattle Department of Construction and Inspections. The Director of the Seattle Department of Construction and Inspections shall issue a certificate of compliance only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, with eviction notice requirements of RCW 59.20.080 and 59.21.030, with relocation assistance requirements of RCW 59.21.020, and any additional requirements imposed in connection with a master use permit application.

(Ord. 124919, § 129, 2015; Ord. 115183 § 2(part), 1990.)

22.904.440 - Notice of provisions.

It is unlawful to sell, lease or rent any mobile home or mobile home park rental space without advising the prospective purchaser, lessee, or renter, in writing, of the provisions of Sections 22.904.400 through 22.904.460 of this chapter.

(Ord. 115183 § 2(part), 1990.)

22.904.450 - Administration.

The Director of the Seattle Department of Construction and Inspections shall administer and enforce Sections 22.904.400 through 22.904.460 and is authorized to adopt rules and regulations consistent with and necessary to carry out these sections. Whenever an owner or an owner's agent fails to comply with the provisions of Sections 22.904.400 through 22.904.470, the Director of the Seattle Department of Construction and Inspections may deny or revoke a master use permit and/or other permits or approvals, or may, in the Director's discretion, condition any permit upon the owner's successful completion of remedial actions that the Director of the Seattle Department of Construction and Inspections deems necessary to carry out the purposes of Sections 22.904.400 through 22.904.460.

(Ord. 124919, § 130, 2015; Ord. 115183, § 2(part), 1990.)

22.904.460 - Penalties—Sections 22.904.400 through 22.904.470.

In addition to any other sanction or remedial measure imposed under this chapter, any person who fails to comply with any provision of Sections 22.904.400 through 22.904.470 or any notice, decision or order issued by the Director of Construction and Land Use pursuant to Sections 22.904.400 through 22.904.470, shall be subject to a cumulative civil penalty in the amount of Five Hundred Dollars (\$500.00) per day for each day of noncompliance, measured from the date set for compliance until the person complies with the notice, decision or order, as determined by the Director of Construction and Land Use. The Director of Construction and Land Use shall notify the City Attorney in writing of the name of any person subject to the penalty, and shall assist the City Attorney to collect the penalty.

(Ord. 115183 § 2(part), 1990.)

1. **Purpose.** To allow the economic use of perimeter areas in mobile home parks; to foster affordable housing options; to create designated areas for recreational vehicles; to allow alternative use of land within mobile home parks, yet protect existing and future mobile home units.

2. **Siting Standards of Recreational Vehicles in Existing Mobile/Manufactured Home Parks.**

a. A site plan shall be submitted with the following standards for review and approval by the Director.

b. **Recreational Vehicle Sites.** RVs may be located in a perimeter designated area. The designated area shall be a logically geometric shape, which does not encroach significantly into the area for mobile/manufactured home units.

It is provided, however, that once the owner of a mobile home park has given notice of intention to close the mobile home park pursuant to any applicable relocation plans, pending final closure of the mobile home park, and in keeping with the provisions of subsections (G)(2)(c), (d) and (e) of this section, the owner may site recreational vehicles in such mobile home spaces as may become vacant during the closure period without regard to the number of such recreational vehicles or their locations within the mobile home park. The closure period, which shall include the period of time from the date of the notice of the intention to close the mobile home park to the final closure of the mobile home park, shall not exceed one (1) year.

c. Recreational vehicles shall hook up to the utility hook-ups (under permits) and maintain the minimum standards on those utilities.

d. Recreational vehicles shall not remain on the leased space longer than one hundred eighty (180) days a year. The recreational vehicle must be physically detached from the utility hook-ups and out of the park for at least twenty-four (24) hours before hooking up again.

e. The recreational vehicles shall meet all applicable health and building standards.

f. The recreational vehicle section shall be screened from both the road and the mobile/manufactured home park with Type IV landscaping at a width of five (5) feet.

H. **Mobile Home Park Relocation Standards.** At such time as the owner of a mobile home park determines to close a mobile home park, or any portion thereof, or to change the use of the land on which a mobile home park is located, or any portion thereof, including conversion to a mobile home park subdivision, condominium or cooperative as discussed below, but prior to the date on which the owner gives notice to tenants of the change of land use pursuant to RCW 59.20.080(1)(e), the owner shall submit to the City a mobile home park relocation plan covering the park or portion of the park for which a change is proposed.

In the case of conversion to a mobile home park subdivision, condominium or cooperative, a relocation plan shall be required if and only if purchase of a share is necessary to remain in the park;

in such cases, the relocation plan shall be required only for tenants who are not purchasing a share and would be displaced by the conversion. Once the plan is approved in accordance with this section, the City shall issue a certificate of approval to the mobile home park owner. The mobile home relocation plan shall comply with the standards and procedures contained in this section.

If an eminent domain action of a Federal, State or local agency causes closure of a mobile home park and the procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. 4601 et seq., and the regulations of 49 CFR Part 24 or the Relocation Assistance – Real Property Acquisition Policy Act of Chapter 8.26 RCW and the regulations of Chapter 468-100 WAC are followed, the requirements of those acts and regulations will supersede the requirements of this section and the standards contained herein.

If a condemnation action of the City causes closure of a mobile home park, the City will be responsible for fulfilling the requirements of the standards contained herein and may provide additional relocation assistance in accordance with the provisions of the State act and regulations. If the City chooses to follow portions of the State act and the Director determines that there is a conflict or redundancy between the portions of the State act and regulations being followed by the City, and the standards contained herein, the State act shall take precedence in such areas of conflict or redundancy. If the State act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein.

1. **Required Elements of the Mobile Home Park Relocation Plan.** The mobile home relocation plan shall include the following required elements:

a. **Inventory.** An inventory of park tenants and their mobile homes shall be prepared in a format established by the Department (hereinafter referred to as the "department"). The purpose of the inventory is to provide data for the State Environmental Policy Act (Chapter 43.21C RCW) checklist (hereinafter referred to as the "SEPA checklist"), which will analyze the impact of the park closure, and to establish a basis for identifying relocation/mitigation options. The inventory shall include:

- i. An inventory of park tenants (to include information as to age, income, number of years in the park);
- ii. An inventory of the age and conditions of the mobile homes; and
- iii. Costs of pad rental, park utility fees and other charges, personal utilities, insurance, personal property taxes, and mobile home security interests, if applicable.

The inventory request form shall clearly state to tenants that disclosure of age, income and housing cost information is voluntary, and that the purpose of requesting the information is to assess the impact of the proposed closure and the applicability of low-income housing assistance programs. If provided, this information shall be treated in a confidential manner and shall be made public only in statistical summary format.

b. **Environmental Conditions.** An analysis of environmental conditions in the park shall be conducted. The analysis shall include noise levels and other environmental factors

affecting the suitability of the park for various land uses, including mobile homes, other residential uses, and commercial uses. This information will be used to prepare the SEPA determination of environmental impacts of the proposed action. Noise measurements shall be taken on site by the property owner using an approved noise meter.

c. **Options.** A list of relocation options shall be prepared, including:

- i. A list of vacant mobile home park spaces in King and Pierce Counties, together with a description of each park's amenities, restrictions, rental rates and other costs charged;
- ii. A list of low cost apartments or other low cost housing options in King County;
- iii. Information from banks concerning first-time home buyer programs;
- iv. Information from the county or nonprofit entities concerning relocation park options; and
- v. Information from the Port of Seattle regarding the process for obtaining Port noise mitigation funds and "advisory assistance," if applicable, including a statement of whether or not the owner intends to participate in any available program and pass noise mitigation funds to tenants.

d. **Choices.** A statement of housing preference, based on the available options, shall be gathered from each mobile home tenant. The list of each participating tenant's preference shall provide a basis for tenants to coordinate their preferences with others in the park and with the available opportunities.

e. **Anticipated Timing.** The mobile home park owner shall provide a statement of anticipated timing for park closure.

f. **Coordination Plans or Actions.** The mobile home park owner shall provide a statement of any coordination plans or actions in addition to those stated above that the park owner intends to take in order to minimize the impacts of park closure on the tenants. The relocation plan shall identify an official relocation plan contact. The contact shall be responsible for providing the required relocation information to tenants and status information to the City.

2. **Required Process.** The timing and preparation of the mobile home relocation plan shall comply with the following process:

- a. The owner of the park shall initiate a preapplication meeting with the department to clarify the requirements of the relocation plan. If applicable, the applicant shall also meet with Port of Seattle staff to determine if relocation assistance is available.
- b. The owner of the park shall notify, in writing, all affected park tenants and the department that the owner is beginning the process of preparing a mobile home relocation plan. In such notification, the department shall schedule a meeting with tenants to inform

them of the owner's proposal for the property, the requirements of the mobile home relocation standards, as contained herein, and the proposed timeline for the process.

c. The mobile home park owner shall prepare a relocation plan, pursuant to the requirements of subsection (H)(1) of this section.

d. The mobile home park owner shall complete a SEPA checklist for the relocation plan. A copy of the SEPA checklist shall be sent to each tenant of the mobile home park. If the owner is proposing to redevelop the site, the owner may choose to have the site plan for the new development evaluated for environmental impacts concurrently with the relocation plan. If this option is chosen, the owner shall submit a site plan along with the SEPA checklist and relocation plan.

e. The department shall review the relocation plan to ensure compliance with the requirements of subsection (H)(1) of this section. If it is determined that the requirements have not been met, the department shall notify the mobile home park owner in writing of the identified deficiencies. The owner shall revise the plan to correct all of the identified deficiencies before resubmitting it to the City.

f. Once it is determined that the requirements of subsection (A) of this section have been met, the Director of the department shall issue a decision on the relocation plan based on the impacts of the proposed action. The decision may be to approve, deny, or require modification of the relocation plan. If the relocation plan is approved, the Director shall issue a certificate of approval.

g. The decision of the Director is appealable to the Hearing Examiner, in accordance with the procedures of SMC 15.115.070, Appeal Process. If the decision is appealed, the relocation plan process as set forth herein shall automatically be stayed until the appeal is resolved.

h. If approved, the relocation plan shall be delivered to all tenants by the mobile home park owner prior to or coincident with the minimum twelve (12) month notice of intent to close the park. The relocation plan shall be valid for delivery to tenants for three (3) months from the date of approval. If the relocation plan is not delivered in this time frame, or if park closure does not occur within two (2) years of approval of the plan, preparation of a new or updated plan may be required by the City.

i. The mobile home park owner shall provide to the City a statement confirming that all requirements of Chapter 59.23 RCW, if applicable, including notice and first right of refusal of tenants to purchase the park have been followed.

j. The park owner shall submit to the City a report on the relocation process which shall include: (a) a list of tenants remaining in the park, by space or address (rent roll); and (b) spaces which have been vacated together with a description of the destination of vacating tenants and the type of housing obtained. The report shall be submitted monthly, or more frequently if requested by the department, until the park is vacant.

- k. Once the relocation plan has been deemed by the Director to be satisfactorily implemented, the City shall issue a certificate of satisfactory completion. The mobile home park shall not be closed prior to the issuance of said certificate. The relocation plan shall be deemed to be satisfactorily implemented when the plan's stated actions have been implemented and when all tenants have relocated.
3. **Alternative Plan and Process.** If the owner of a mobile home park negotiates a relocation agreement with tenants to the satisfaction of such tenants, the agreement, signed by all affected tenants, shall be submitted to the City in lieu of the relocation plan and process of subsections (H)(1) and (2) of this section. The following process shall then apply:
- a. The City Attorney shall review the agreement and attest to its legality as to form.
 - b. The requirement of RCW 59.20.080(1)(e) with respect to a twelve (12) month notice of land use change must still be met. However, if all tenants have satisfactorily relocated prior to the statutory twelve (12) month period, the park, or portion thereof, may be closed sooner.
 - c. Once the agreement has been determined to address the needs of the tenants, the Director shall issue a certificate of approval.
 - d. The owner shall submit monthly reports in accordance with subsection (H)(2)(j) of this section.
 - e. After all tenants have moved from the park, the Director shall issue a certificate of satisfactory completion and the park may be closed. (Ord. 15-1018 § 1)

The SeaTac Municipal Code is current through Ordinance 17-1024, passed December 21, 2017.

Disclaimer: The City Clerk's Office has the official version of the SeaTac Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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