

# HOUSE BILL ANALYSIS

## HB 1371

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- Title:** An act relating to mobile home parks.
- Brief Description:** Prohibits cities and towns from prohibiting the development of mobile home parks within areas zoned for single-family residential structures.
- Sponsors:** Representatives Carlson, Dunn, Quall
- Hearing Date:** February 3, 1997

### Background:

Through legislation, the state confers certain planning and zoning powers upon local legislative bodies. Cities and towns enact and maintain ordinances, development regulations, and zoning regulations with respect to development in those cities and towns either through city planning commissions, boards of county commissioners, or other planning agencies. Municipalities (which includes every city *and* county) may create planning commissions which act as the municipality's research and fact finding agency.

At the request of the city council, the board of county commissioners, or the state, these planning commissions can make surveys, conduct analyses, and prepare research memoranda and reports. If the council or board requests, the commission may prepare coordinated plans for the physical development of the municipality. The commission must hold at least one public hearing on the proposed plan before it makes recommendations to the council and board. The council or board then decides whether to adopt the commission's recommendations. If the council or board adopts the commission's recommendations, the city may regulate and restrict by general ordinance any of the following:

- location of various types of structures, including housing;
- location and use of buildings, structures, and land for residence, trade, industrial, and other purposes;
- height, number of stories, size, construction, and design of buildings and other structures;
- size of yards, courts, and other open spaces on lot or tract;
- density of population;
- set-back of buildings along highways, parks, or public water frontages; and

- subdivision and development of land.

All regulations are required to be worked out as parts of a comprehensive plan for the physical and other generally advantageous development of the municipality and must be designed to encourage the *most appropriate use of land* throughout the municipality, decrease traffic, encourage formation of community, promote safety, provide adequate light and air, prevent overcrowding, avoid undue concentration of population, promote coordinated development, and conserve and restore natural beauty and natural resources.

Code cities (noncharter cities and charter cities) that choose to follow the optional municipal code must follow a similar procedure as all other cities: they must by ordinance direct the relevant planning agency (can be a commission, board, or consultants) to prepare a comprehensive plan to coordinate development of land and building uses. Code cities with one or more municipalities within a region may cooperate to form a regional planning commission to prepare a comprehensive plan and perform other planning functions. A code city's comprehensive plan must include a land use element and a circulation element and may contain a host of other elements.

Counties must also develop and adopt comprehensive plans under either the Planning Enabling Act or the Growth Management Act (GMA): county size and population growth rate determine which statute guides the county. Under both statutes, the county must prepare a comprehensive plan for the physical development of the county. After the planning agency holds hearings, the board of county commissioners may certify a proposed comprehensive plan. The comprehensive plan must contain a land use element (including housing, agriculture, industry, commerce), a circulation element (including major thoroughfares and transportation routes) and may contain other elements such as conservation, recreation, zoning and subdivision, capital improvement, and public services. The GMA requires GMA counties to address these same issues and *also* requires counties to *protect* critical areas, *designate and conserve* certain natural resource lands, and *designate* urban growth areas. Under the GMA, each county and city in that county must adopt *development regulations* that are consistent with and carry out its comprehensive plan. The GMA specifically includes the cities located within counties that must plan under the GMA and requires the development of a county-wide planning policy as part of the development of a comprehensive plan.

### **Summary of Bill:**

Cities, towns, "code cities," counties, and Growth Management Act (GMA) counties are prohibited from enacting or maintaining *ordinances, development regulations, or zoning regulations* that effectively prohibit the development of a mobile home park within an area zoned for single-family residential structures. Counties, cities, and towns are also prohibited from maintaining any *official controls, policies, or administrative practices* that effectively prohibit mobile home park development in single-family zoned areas. A mobile home park is any

property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

This prohibition applies to powers conferred upon cities and counties under various statutes, including the Planning Enabling Act, the Growth Management Act, the statute that sets forth the powers of county and city planning commissions, and the optional municipal code for planning and zoning in code cities.

**Fiscal Note:** None requested.