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SENATE BILL 5837

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State of Washington

61st Legislature

2009 Regular Session

By Senators McCaslin and Benton

Read first time 02/04/09. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to siting new mobile home parks and manufactured  
2 housing communities; amending RCW 82.02.090; adding a new section to  
3 chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW  
6 to read as follows:

7 (1)(a) A county planning under RCW 36.70A.040 may establish, in  
8 consultation with cities, a process for authorizing the siting of new  
9 mobile home parks and manufactured housing communities outside of urban  
10 growth areas designated under RCW 36.70A.110.

11 (b) For purposes of this section, "mobile home park" or  
12 "manufactured housing community" has the same meaning as defined in RCW  
13 59.20.030.

14 (2) A county considering an application to site a new mobile home  
15 park or manufactured housing community outside of an urban growth area  
16 may approve the siting if the following criteria are met:

17 (a) The proposed site is adjacent to or in close proximity to an  
18 urban growth area;

1 (b) Affordable housing will be provided within the mobile home park  
2 or manufactured housing community for a range of income levels;

3 (c) Appropriate infrastructure and services for the site are  
4 available or have been provided for;

5 (d) Environmental protection issues for the site, including air and  
6 water quality issues, have been provided for;

7 (e) Development regulations have been established to ensure that  
8 urban growth will not occur in adjacent nonurban areas;

9 (f) Provisions to mitigate adverse impacts on designated  
10 agricultural lands, forest lands, and mineral resource lands have been  
11 made; and

12 (g) The siting of the mobile home park or manufactured housing  
13 community does not conflict with development regulations adopted by the  
14 county to protect critical areas.

15 (3) Final approval of an application to site a mobile home park or  
16 manufactured housing community as provided in this section does not  
17 constitute an adopted amendment to the comprehensive plan adopted under  
18 RCW 36.70A.070.

19 **Sec. 2.** RCW 82.02.090 and 2008 c 42 s 1 are each amended to read  
20 as follows:

21 Unless the context clearly requires otherwise, the following  
22 definitions shall apply in RCW 82.02.050 through 82.02.090:

23 (1) "Development activity" means any construction or expansion of  
24 a building, structure, or use, any change in use of a building or  
25 structure, or any changes in the use of land, that creates additional  
26 demand and need for public facilities. "Development activity" does not  
27 include (a) buildings or structures constructed by a regional transit  
28 authority or (b) the authorized siting of a mobile home park or  
29 manufactured housing community under section 1 of this act.

30 (2) "Development approval" means any written authorization from a  
31 county, city, or town which authorizes the commencement of development  
32 activity.

33 (3) "Impact fee" means a payment of money imposed upon development  
34 as a condition of development approval to pay for public facilities  
35 needed to serve new growth and development, and that is reasonably  
36 related to the new development that creates additional demand and need  
37 for public facilities, that is a proportionate share of the cost of the

1 public facilities, and that is used for facilities that reasonably  
2 benefit the new development. "Impact fee" does not include a  
3 reasonable permit or application fee.

4 (4) "Owner" means the owner of record of real property, although  
5 when real property is being purchased under a real estate contract, the  
6 purchaser shall be considered the owner of the real property if the  
7 contract is recorded.

8 (5) "Proportionate share" means that portion of the cost of public  
9 facility improvements that are reasonably related to the service  
10 demands and needs of new development.

11 (6) "Project improvements" mean site improvements and facilities  
12 that are planned and designed to provide service for a particular  
13 development project and that are necessary for the use and convenience  
14 of the occupants or users of the project, and are not system  
15 improvements. No improvement or facility included in a capital  
16 facilities plan approved by the governing body of the county, city, or  
17 town shall be considered a project improvement.

18 (7) "Public facilities" means the following capital facilities  
19 owned or operated by government entities: (a) Public streets and  
20 roads; (b) publicly owned parks, open space, and recreation facilities;  
21 (c) school facilities; and (d) fire protection facilities in  
22 jurisdictions that are not part of a fire district.

23 (8) "Service area" means a geographic area defined by a county,  
24 city, town, or intergovernmental agreement in which a defined set of  
25 public facilities provide service to development within the area.  
26 Service areas shall be designated on the basis of sound planning or  
27 engineering principles.

28 (9) "System improvements" mean public facilities that are included  
29 in the capital facilities plan and are designed to provide service to  
30 service areas within the community at large, in contrast to project  
31 improvements.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21C RCW  
33 to read as follows:

34 The authorized siting of a mobile home park or manufactured housing  
35 community under section 1 of this act is exempted from compliance with

1 this chapter.

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