



COUNTY COMMISSIONERS

John Hutchings  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

*Creating Solutions for Our Future*

**MEMORANDUM**

**TO:** Thurston County Planning Commission

**FROM:** Kaitlynn Nelson, Associate Planner

**DATE:** April 17, 2019

**SUBJECT:** Comprehensive Plan Update – Associated Codes - CP #6: Manufactured Housing

**PURPOSE**

Amend codes as needed, to be in compliance with RCW 36.01.225, regulating the placement of manufactured/mobile homes. The scope of work for the Comprehensive Plan Update includes a review of Thurston County codes should be amended to reflect State law changes, including design standards.

**BACKGROUND**

Thurston County is currently evaluating the placement of Manufactured Housing, to be in compliance with RCW 36.01.225, which states that manufactured homes must be regulated for the purposes of siting in the same manner as site-built homes.

Staff have determined that mobile and manufactured homes are classified as buildings for the purpose of Thurston County Code Title 14 (Building and Construction), chapters: .22, .26, .32, .33, .37, .38, and .44; and Titles 17 (Environment) and 24 (Critical Areas), as well as Chapter 20.31 Mobile Home Park Standards and Regulations. No updates are needed regarding the siting of manufactured or mobile homes.

Staff have also conducted a review of the Lacey Urban Growth Area zoning (Title 21), Tumwater Urban Growth Area zoning (Title 22) and Olympia Urban Growth Area zoning (Title 23), to ensure the UGA codes are up-to-date and in compliance with state law. Upon review, no changes are needed to the zoning codes of the UGAs, as manufactured housing is regulated the same as site built for all three UGAs.

Updates regarding design standards could be considered however for both the County and UGAs:

1. **County Definitions and Design Standards:** The County does not currently regulate the design, appearance, or age of a mobile/manufactured home in the rural county. RCW 36.01.225 allows a

county to require that a manufactured home meets the criteria for a “designated manufactured home,” as defined in RCW 35.63.160 (defined below in the current state law). This would create new design standards and the need to create a design review process for manufactured home placement in the rural County.

Currently, Thurston County defines mobile and manufactured homes as follows in TCC 20.03.040 (37.5) (38), and allows the placement of either in the rural County.

- a. Dwelling, Manufactured Home. “Manufactured home dwelling” means a single-family residential unit factory-built after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. Manufactured homes do not meet the requirements of the Uniform Building Code. For the purpose of this chapter, a manufactured home shall be deemed to be a single-family dwelling unless otherwise specified.
- b. Dwelling, Mobile Home. “Mobile home dwelling” means a single-family residential unit factory-built prior to June 15, 1976, to standards other than the U.S. Department of Housing and Urban Development (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 do not meet the requirements of the Uniform Building Code. For the purpose of this chapter, a mobile home shall be deemed to be a single-family dwelling unless otherwise specified.

- 2. Urban Growth Area Code Update (Title 21,22 & 23): After review of each City’s current codes, the county UGA codes appear to be out-of-date with the most recent definitions, design standards and requirements of the individual cities. Specifically, the cities have updated their codes as they relate to RCW 35.63.160 and the definition of “designated manufactured homes”, adding additional design review criteria and guidelines that the County does currently not perform.

## CURRENT STATE LAW

### A. RCW 36.01.225: Authority to regulate placement or use of homes—Regulation of manufactured homes—Restrictions on location of manufactured/mobile homes and entry or removal of recreational vehicles used as primary residences.

(1) A county may not adopt an ordinance that has the effect, directly or indirectly, of discriminating against consumers’ choices in the placement or use of a home in such a manner that is not equally applicable to all homes. Homes built to 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000) must be regulated for the purposes of siting in the same manner as site built homes, factory built homes, or homes built to any other state construction or local design standard. However, except as provided in subsection (2) of this section, any county may require that:

- (a) A manufactured home be a new manufactured home;
- (b) The manufactured home be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;

(c) The manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

(d) The home is thermally equivalent to the state energy code; and

(e) The manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

(2) A county may not adopt an ordinance that has the effect, directly or indirectly, of restricting the location of manufactured/mobile homes in manufactured/mobile home communities, as defined in RCW 59.20.030, which were legally in existence before June 12, 2008, based exclusively on the age or dimensions of the manufactured/mobile home. This does not preclude a county from restricting the location of a manufactured/mobile home in manufactured/mobile home communities for any other reason including, but not limited to, failure to comply with fire, safety, or other local ordinances or state laws related to manufactured/mobile homes.

(3) A county may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities, as defined in RCW 59.20.030, unless the recreational vehicle fails to comply with the fire, safety, or other local ordinances or state laws related to recreational vehicles.

(4) This section does not override any legally recorded covenants or deed restrictions of record.

(5) This section does not affect the authority granted under chapter 43.22 RCW.

## **B. RCW 35.63.160 Definitions**

### **Regulation of manufactured homes—Definitions.**

(1) A "designated manufactured home" is a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

- a. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- b. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- c. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

(2) "New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

(3) Nothing in this section precludes cities from allowing any manufactured home from being sited on individual lots through local standards which differ from the designated manufactured home

or new manufactured home as described in this section, except that the term "designated manufactured home" and "new manufactured home" shall not be used except as defined in subsections (1) and (2) of this section.

## **STAFF ANALYSIS AND RECOMMENDATION**

### **County Definitions and Design Standards:**

Currently, Thurston County Code is in compliance with RCW 36.01.225 in regard to the siting of manufactured homes the same as stick built. No changes are needed.

An optional update would be adopting new provisions into Title 20 that align with RCW 36.01.225, which recommend that “The manufactured home comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located” (RCW 36.01.225(1)(c)). Additionally, the County could amend the definition for manufactured homes to be a “designated manufactured home” according to the standards of RCW 35.63.160(1). This would restrict the type, size, age and appearance standards of the homes.

Staff does not advise adding the optional RCW provisions or amending the definition to include “designated manufactured homes.” It would create the need for a new and costly design review process that the County does not currently perform and would create additional costs for both the applicant and County. Additionally, a primary function of manufactured and mobile homes is their affordability for rural citizens. Adding additional design criteria and site review would subtract from the affordability of this housing option.

### **Urban Growth Area Code Update (Title 21, 22 & 23):**

A full revision of the UGA codes is a more in-depth analysis than provided for in this docket item. Staff recommends any revisions beyond zoning or building code be completed as part of the Joint Plan update process.