



# SKAMANIA COUNTY PLANNING COMMISSION

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## AGENDA

**Tuesday, June 5, 2018 @ 6:00 PM**

HEGEWALD CENTER, WEST MEETING ROOM  
710 SW ROCK CREEK DRIVE, STEVENSON, WA 98648

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### **I. CALL TO ORDER**

### **II. ROLL CALL**

### **III. AGENDA ITEMS**

1. Approval of minutes from the May 15, 2018, Planning Commission Meeting.
2. PUBLIC WORKSHOP on review of Unmapped (UNM) zoning in the Stabler/Wind River area.
3. PUBLIC WORKSHOP to discuss possible zoning text amendments regarding temporary dwelling units and short-term vacation rentals.

### **IV. PLANNING COMMISSION BUSINESS**

### **V. ADJOURN**



## Skamania County Planning Commission

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### PLANNING COMMISSION MEETING MINUTES

**Tuesday, May 15, 2018**  
**Skamania County Annex**  
**170 N Vancouver Avenue**  
**Stevenson, WA 98648**

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Planning Commission Members:	Community Development Department Staff
Present:	Present:
Cyndi Soliz, John Prescott,	Alan Peters, Andrew Lembrick
Dee Bajema, Paul Hendricks, Tony Coates,	Teri Wyckoff
Cliff Nutting	

Absent: Lesley Haskell

#### AUDIENCE

See attached sign-in sheet.

#### PROCEEDINGS

Meeting was called to order at 6:00 P.M. by Vice Chair, John Prescott.  
Quorum was met.

#### AGENDA ITEMS

1. Approve Minutes from the April 17, 2018 meeting.
    - a. Motion was made by Paul Hendricks and seconded by Tony Coates to approve the Minutes of the April 17, 2018 meeting. Motion passed 6-0.
  2. Public Hearing, Consideration and Recommendation on proposed amendments to the Swift Comprehensive Subarea Plan and Swift Subarea Zoning Map. Alan Peters, Assistant Planning Director, presented on the proposed County-initiated legislative text and map amendments to land use designations in the Swift Reservoir Comprehensive Subarea Plan and proposed legislative zoning changes to two areas within the Swift Subarea.
    - a. Public testimony was given by:
      - i. Richard Lonergan
      - ii. Jerry Sauer
      - iii. Dave Creagen
      - iv. Mary Sauer
      - v. Frank Yela
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- b. Written comments or other communications were received from:
    - i. Frank Yela, Fire Chief District 6
    - ii. Marlon Morat, Skamania County Fire Marshal
  - c. The Planning Commission discussed the proposal in length. The Commissioners discussed fire protection in the Swift subarea, the desires of landowners in Swift in creating the subarea plan, and the two areas being proposed for rezoning. Staff was asked if the two proposals could be addressed individually and replied affirmatively.
  - d. A motion was made by Cliff Nutting, seconded by Cyndi Soliz, to forward a negative recommendation on the proposed subarea plan amendments consolidating the Mountain Recreational land use designations. Motion passed 5 to 1. Paul Hendricks voted no.
  - e. A motion was made by Cliff Nutting, seconded by Paul Hendricks, to forward a positive recommendation on the proposed zoning changes and to forward a positive recommendation on amending the comprehensive plan designations for the two areas to be consistent with the proposed zoning. Motion passed 5 to 1. Dee Bajema voted no.
3. John Prescott moved and seconded by Dee Bajema to ask the Board of County Commissioners look into what can be done to help with fire protection in the Swift Area. Motion passed 6-0.
4. Planning Commission Business.
- a. May 22, 2018 - Meeting with BOCC regarding critical area update.
  - b. June 5, 2018 – Workshop Stabler/Carson, temporary dwellings
5. MEETING ADJOURNED at 7:20 PM

**ATTEST**

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Planning Commission Chair

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Secretary



# Skamania County

## Community Development Department

Building/Fire Marshal • Environmental Health • Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

**TO:** Skamania County Planning Commission  
**FROM:** Planning Staff  
**DATE:** May 30, 2018  
**RE:** Stabler Area Workshop #3

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This memo is a supplement to the Staff Report prepared for the March 20, 2018, Workshop and the memo prepared for the April 17, 2018, Workshop. At this workshop the Planning Commission will be reviewing a draft map of zoning based on input received from property owners at prior workshops and a review of previous zoning efforts and other background information. A copy of the draft map is enclosed, as is a table listing each property with the recommended zoning and a brief explanation for the recommendation.

Properties are recommended to be rezoned to one of six zones: Residential 1 (R1), Residential 2 (R2), Residential 10 (R10), Forest Lands 10 (FL10), Forest Lands 20 (FL20), or Commercial Resource Lands 40 (CRL40). The R1, R2, and R10 zones are existing zones included in the County's zoning code. The FL20 and CRL40 do not exist in the zoning code, outside of the West End or Swift Subareas. Staff has prepared drafts of new FL20 and CRL40 zones that could be applied outside these subareas. FL10 is a new zone based on the FL20 zone but with a 10-acre minimum parcel size.

The zoning recommendations are largely consistent with the 2008 proposed zoning with some changes. The proposal is substantially consistent with the existing Comprehensive Plan, though Comprehensive Plan amendments would be required for three parcels. These changes would only apply to parcels that have split zones and split land use designations and these parcels are identified in the attached table.

Staff reminds the Planning Commission of the several options available to it:

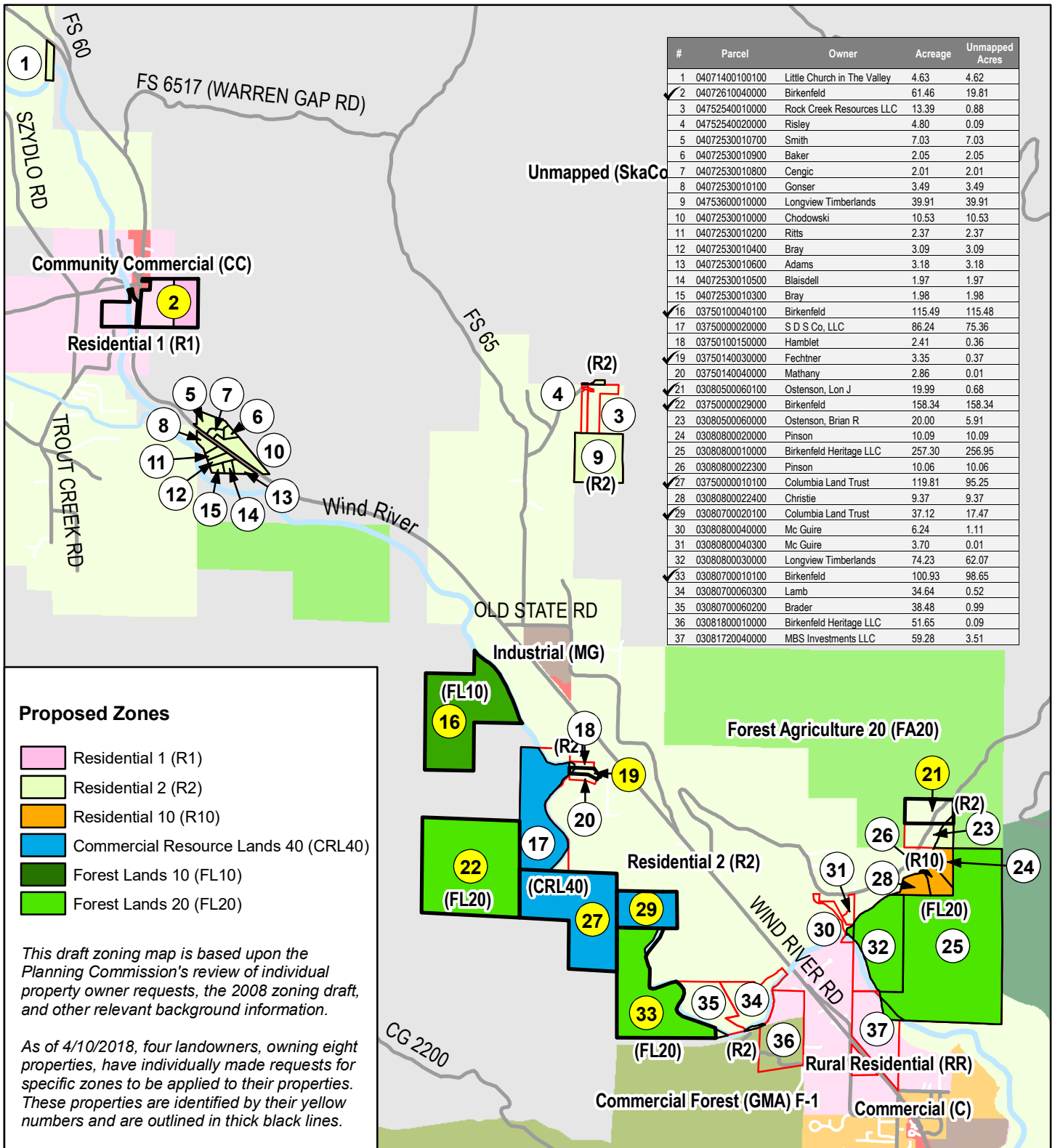
- 1. No action.** This option would retain the existing zone designations with no changes.
- 2. Rezone all parcels.** The Planning Commission can recommend rezoning Unmapped parcels. Parcels could be rezoned to an existing adopted County zone or could create new zones or revise existing zones for adoption.
- 3. Adopt revisions to the Unmapped zoning text.** The Planning Commission could recommend the adoption of stricter controls within the Unmapped zone.

**4. Rezone some, but not all properties.** The Planning Commission could recommend rezoning some, but not all Unmapped parcels. This option could include a combination of the above options.

The draft map would rezone the Unmapped portions of all the parcels within the study area. It would change the Comprehensive Plan designations on three parcels, and would require the adoption of three new zones. Any proposal to rezone requires a public hearing before the Planning Commission may make a recommendation to the Board of County Commissioners. So, if the Planning Commission wishes to proceed with the draft map or with any changes, the Planning Commission should make a motion to schedule a public hearing for a future meeting date.

**Attachments:**

1. Draft Zoning Map
2. Table of Changes
3. Zoning Text for Residential 1 (R1), Residential 2 (R2), and Residential 10 (R10) zones
4. Draft Zoning Text for Forest Lands 10 (FL10), Forest Lands 20 (FL20), and Commercial Resource Lands 40 (CRL40) zones



DISCLAIMER: This map product was prepared by Skamania County and is for information purposes only. It may not have been prepared for, or be suitable for legal, engineering, or surveying purposes.

### DRAFT ZONING - June 5, 2018

\*only areas currently zoned Unmapped (UNM) are being considered for rezoning

Number	Parcel ID	Owner	Total Acres	Unmapped Acres	Assessor Land Use Code (DOR)	Comprehensive Plan Designation	Current Use	Shoreline Designation	Platted	Current Zone (if split)	2008 Proposed Rezone of Unmapped Area	2018 Proposed Staff/Owner Recommendation	Notes
1	04071400100100	LITTLE CHURCH IN THE VALLEY	4.63	4.62	18 - Residential - All other	Rural II	Undeveloped	Shoreline Residential	John T. Denne SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the surrounding properties and the Comprehensive Plan. It is also consistent with the Shoreline designation.
2	04072610040000	BIRKENFELD	61.46	19.81	88 - Resource - Designated Forest Land	Rural I/Rural II	Timber	Shoreline Residential	N/A	R1/CC	R2	Residential 1 (R1)	R1 was requested by the property owner. It is consistent with the remainder of the parcel, but requires a Comprehensive Plan amendment changing the land use designation from Rural II to Rural I. It is consistent with the Shoreline designation.
3	04752540010000	ROCK CREEK RESOURCES LLC	13.39	0.88	11 - Residential - Single Family	Rural II	Residential	Shoreline Residential	N/A	R2	FL20	Residential 2 (R2)	0.88 acres of this property is within the Unmapped zone. The remaining 12.51 acres is zoned R2. R2 is consistent with the existing zoning on the remainder of the property and the Comprehensive Plan. It is consistent with the Shoreline designation.
4	04752540020000	RISLEY	4.80	0.09	11 - Residential - Single Family	Rural II	Residential	Shoreline Residential	N/A	R2	FL20	Residential 2 (R2)	0.09 acres of this property is within the Unmapped zone. The remaining 4.71 acres is zoned R2. R2 is consistent with the existing zoning on the remainder of the property and the Comprehensive Plan. It is consistent with the Shoreline designation.
5	04072530010700	SMITH	7.03	7.03	11 - Residential - Single Family	Rural II	Residential	N/A	Birchcrest Estates	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
6	04072530010900	BAKER	2.05	2.05	11 - Residential - Single Family	Rural II	Residential	N/A	N/A	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
7	04072530010800	CENGIC	2.01	2.01	11 - Residential - Single Family	Rural II	Residential	N/A	Amended Windy Springs SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
8	04072530010100	GONSER	3.49	3.49	11 - Residential - Single Family	Rural II	Residential	Shoreline Residential	Redwood SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan. It is consistent with the Shoreline designation.
9	04753600010000	LONGVIEW TIMBERLANDS	39.91	39.91	88 - Resource - Designated Forest Land	Rural II	Timber	N/A	N/A	N/A	R2	Residential 2 (R2)	R2 is consistent with the surrounding properties and the Comprehensive Plan.
10	04072530010000	CHODOWSKI	10.53	10.53	11 - Residential - Single Family	Rural II	Residential	N/A	Windy Springs SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
11	04072530010200	RITTS	2.37	2.37	91 - Undeveloped - Land	Rural II	Vacant	Shoreline Residential	River Bluff SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
12	04072530010400	BRAY	3.09	3.09	11 - Residential - Single Family	Rural II	Residential	Shoreline Residential	River Bluff SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan. It is consistent with the Shoreline designation.
13	04072530010600	ADAMS	3.18	3.18	11 - Residential - Single Family	Rural II	Residential	N/A	Steel Head Point SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
14	04072530010500	BLAISDELL	1.97	1.97	11 - Residential - Single Family	Rural II	Residential	N/A	Steel Head Point SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan.
15	04072530010300	BRAY	1.98	1.98	11 - Residential - Single Family	Rural II	Residential	Shoreline Residential	River Bluff SP	N/A	R2	Residential 2 (R2)	R2 is consistent with the existing use of this property and surrounding properties and is consistent with the Comprehensive Plan. It is consistent with the Shoreline designation.
16	03750100040100	BIRKENFELD	115.49	115.48	88 - Resource - Designated Forest Land	Rural III/Conservancy	Timber	Rural Conservancy	N/A	N/A	CRL40	Forest Lands 10 (FL10)	FL10 was requested by the property owner. This is a new zone that requires adoption. It would be consistent with the Comprehensive Plan and does not conflict with the Shoreline designation.
17	03750000020000	S D S CO, LLC	86.24	75.36	88 - Resource - Designated Forest Land	Rural II	Timber	Rural Conservancy/Shoreline Residential	N/A	R2	CRL40	Commercial Resource Lands 40 (CRL40)	CRL40 is consistent with the use of this property and adjacent properties, the Shoreline designation, and the Comprehensive Plan. This would designate the property as Natural Resource Land of long-term commercial significance. This is a new zone that requires adoption.

Number	Parcel ID	Owner	Total Acres	Unmapped Acres	Assessor Land Use Code (DOR)	Comprehensive Plan Designation	Current Use	Shoreline Designation	Platted	Current Zone (if split)	2008 Proposed Rezone of Unmapped Area	2018 Proposed Staff/Owner Recommendation	Notes
18	03750100150000	HAMBLET	2.41	0.36	91 - Undeveloped - Land	Rural II	Vacant	Shoreline Residential	Boulder Ridge SD	R2	CRL40	Residential 2 (R2)	0.36 acres of this property is within the Unmapped zone. The remaining 2.05 acres is zoned R2. The UNM portion is located west of the Wind River, but should be zoned R2 to avoid split zoning. R2 is consistent with the existing zoning on the remainder of the property, the Shoreline designation, and the Comprehensive Plan.
19	03750140030000	Fechtner	3.35	0.37	91 - Undeveloped - Land	Rural II	Vacant	Shoreline Residential	Boulder Ridge Estates	R2	CRL40	Residential 2 (R2)	0.37 acres of this property is within the Unmapped zone. The remaining 2.98 acres is zoned R2. The UNM portion is located west of the Wind River, but should be zoned R2 to avoid split zoning. R2 is consistent with the existing zoning on the remainder of the property, the Shoreline designation, and the Comprehensive Plan. This zone was requested by the property owner.
20	03750140040000	MATHANY	2.86	0.01	91 - Undeveloped - Land	Rural II	Residential	Shoreline Residential	Boulder Ridge SD	R2	CRL40	Residential 2 (R2)	0.01 acres of this property is within the Unmapped zone. The remaining 2.85 acres is zoned R2. The UNM portion is located west of the Wind River, but should be zoned R2 to avoid split zoning. R2 is consistent with the existing zoning on the remainder of the property, the Shoreline designation, and the Comprehensive Plan.
21	03080500060100	OSTENSON, LON J	19.99	0.68	88 - Resource - Designated Forest Land	Conservancy	Vacant	Shoreline Residential	N/A	R2	FL20	Residential 2 (R2)	0.68 acres of this property is within the Unmapped zone. The remaining 19.31 acres is zoned R2. The UNM portion is located east of Bear Creek with a proposed shoreline designation of Shoreline Residential. This area should be rezoned R2 to avoid split zoning. However, a comprehensive plan amendment would be required to change the designation from Conservancy to Rural II.
22	03750000029000	BIRKENFELD	158.34	158.34	88 - Resource - Designated Forest Land	Conservancy	Timber	N/A	N/A	N/A	CRL40	Forest Lands 20 (FL20)	FL20 was requested by the property owner. It is consistent with the use of this property and adjacent properties and the Comprehensive Plan. This is a new zone that requires adoption.
23	03080500060000	OSTENSON, BRIAN R	20.00	5.91	19 - Residential - Vacation and Cabin	Conservancy	Vacant	Shoreline Residential	N/A	R2	FL20	Residential 2 (R2)	5.91 acres of this property is within the Unmapped zone. The remaining 14.09 acres is zoned R2. The UNM portion is located east of Bear Creek with a proposed shoreline designation of Shoreline Residential. This area should be rezoned R2 to avoid split zoning. However, a comprehensive plan amendment would be required to change the designation from Conservancy to Rural II.
24	03080800020000	PINSON	10.09	10.09	91 - Undeveloped - Land	Conservancy	Vacant	Shoreline Residential	Bear Creek SP	N/A	FL20	Residential 10 (R10)	This 10.09-acre property is entirely Unmapped, but was created by the Bear Creek SP. It is undeveloped, but has a shoreline designation of Shoreline Residential. The other two parcels created in this plat are developed with single-family dwellings. The R10 zone better matches the size of this parcel and its intended use. R10 is consistent with the Comprehensive Plan.
25	03080800010000	BIRKENFELD HERITAGE LLC	257.30	256.95	88 - Resource - Designated Forest Land	Conservancy/Carson	Timber	Shoreline Residential	N/A	N/A	FL20	Forest Lands 20 (FL20)	FL20 is consistent with the use of this property and adjacent properties and the Comprehensive Plan and the Shoreline designation. This is a new zone that requires adoption.
26	03080800022300	PINSON	10.06	10.06	11 - Residential - Single Family	Conservancy	Residential	Shoreline Residential	Bear Creek SP	N/A	FL20	Residential 10 (R10)	This 10.06-acre property is entirely Unmapped, but was created by the Bear Creek SP. It is developed with a single-family dwelling and has a shoreline designation of Shoreline Residential. The R10 zone better matches the size and use of this parcel. R10 is consistent with the Comprehensive Plan.



Number	Parcel ID	Owner	Total Acres	Unmapped Acres	Assessor Land Use Code (DOR)	Comprehensive Plan Designation	Current Use	Shoreline Designation	Platted	Current Zone (if split)	2008 Proposed Rezone of Unmapped Area	2018 Proposed Staff/Owner Recommendation	Notes
27	03750000010100	COLUMBIA LAND TRUST	119.81	95.25	99 - Undeveloped - Other	Rural III/Conservancy		Rural Conservancy	N/A	R2	CRL40	Commercial Resource Lands 40 (CRL40)	CRL40 is consistent with the use of this property and adjacent properties and the Comprehensive Plan and the Shoreline designation. This would designate the property as Natural Resource Land of long-term commercial significance. This is a new zone that requires adoption. The property owner has requested that the entirety of this property be rezoned.
28	03080800022400	CHRISTIE	9.37	9.37	11 - Residential - Single Family	Conservancy	Residential	Shoreline Residential	Bear Creek SP	N/A	FL20	Residential 10 (R10)	This 9.37-acre property is entirely Unmapped, but was created by the Bear Creek SP. It is developed with a single-family dwelling and has a shoreline designation of Shoreline Residential. The R10 zone better matches the size and use of this parcel. R10 is consistent with the Shoreline designation and is consistent with the Comprehensive Plan.
29	03080700020100	COLUMBIA LAND TRUST	37.12	17.47	99 - Undeveloped - Other	Rural II		Rural Conservancy	N/A	R2	CRL40	Commercial Resource Lands 40 (CRL40)	CRL40 is consistent with the use of this property and adjacent properties and the Comprehensive Plan and the Shoreline designation. This would designate the property as Natural Resource Land of long-term commercial significance. This is a new zone that requires adoption. The property owner has requested that the entirety of this property be rezoned.
30	03080800040000	MC GUIRE	6.24	1.11	93 - Undeveloped - Water areas	Conservancy/Rural III/Carson	Common Area	Shoreline Residential	Panther Creek Commons SP	R2/RR	FL20	Forest Lands 20 (FL20)	FL20 is consistent with the Comprehensive Plan and the Shoreline designation. This is a new zone that requires adoption.
31	03080800040300	MC GUIRE	3.70	0.01	11 - Residential - Single Family	Rural III/Conservancy	Residential	Shoreline Residential	Panther Creek Commons SP	R2	FL20	Forest Lands 20 (FL20)	FL20 is consistent with the Comprehensive Plan and the Shoreline designation. This is a new zone that requires adoption.
32	03080800030000	LONGVIEW TIMBERLANDS	74.23	62.07	88 - Resource - Designated Forest Land	Conservancy/Rural III/Carson	Timber	Shoreline Residential	N/A	RR	FL20	Forest Lands 20 (FL20)	FL20 is consistent with the use of this property, adjacent properties, the Shoreline designation, and the Comprehensive Plan. This is a new zone that requires adoption. The remainder of the property is in the Carson Subarea.
33	03080700010100	BIRKENFELD	100.93	98.65	88 - Resource - Designated Forest Land	Rural II	Timber	Rural Conservancy/Shoreline Residential	N/A	R2	CRL40	Forest Lands 20 (FL20)	FL20 was requested by the property owner. It is consistent with the use of this property, adjacent properties, the Shoreline designation, and the Comprehensive Plan. This is a new zone that requires adoption.
34	03080700060300	LAMB	34.64	0.52	91 - Undeveloped - Land	Undeveloped	Vacant	Shoreline Residential	N/A	R2	CRL40	Residential 2 (R2)	0.52 acres of this property is within the Unmapped zone. The remaining 34.12 acres is zoned R2 or RR (Carson). The UNM portion should be zoned R2 to avoid split zoning. This is consistent with the Shoreline designation and Comprehensive Plan.
35	03080700060200	BRADER	38.48	0.99	93 - Undeveloped - Water areas	Rural II	Residential/Timber	Shoreline Residential	N/A	R2	CRL40	Residential 2 (R2)	0.99 acres of this property is within the Unmapped zone. The remaining 37.49 acres is zoned R2. The UNM portion should be zoned R2 to avoid split zoning. This is consistent with the Shoreline designation and Comprehensive Plan.
36	03081800010000	BIRKENFELD HERITAGE LLC	51.65	0.09	88 - Resource - Designated Forest Land	Carson/GMA/Rural II	Timber	Shoreline Residential/Rural Conservancy	N/A	RR/GMA	CRL40	Residential 2 (R2)	0.09 acres of this property is within the Unmapped zone. The remaining acreage is in the Carson or NSA subareas. A small portion is currently zoned R2, so the remainder should be rezoned R2 also. This is consistent with the Shoreline designation and Comprehensive Plan.
37	03081720040000	MBS INVESTMENTS LLC	59.28	3.51	88 - Resource - Designated Forest Land	Conservancy/Carson/SM	Timber	Shoreline Residential/Natural Environment	N/A	RR/SM	FL20	Forest Lands 20 (FL20)	3.51 acres of this property is within the Unmapped zone. The remaining acreage is in the Carson or NSA subareas. Rezoning the UNM portion to FL20 is consistent with adjacent properties, the Shoreline designation, and the Comprehensive Plan. This is a new zone that requires adoption.

## Chapter 21.28

### RESIDENTIAL 1 ZONE CLASSIFICATION (R-1)

Sections:

- 21.28.010 Purpose—Intent.
- 21.28.020 Allowable uses.
- 21.28.025 Administrative review uses.
- 21.28.030 Conditional uses.
- 21.28.040 Temporary uses permitted.
- 21.28.050 Minimum development standards.

**21.28.010 Purpose—Intent.**

The R-1 zone classification is intended to encourage population concentration in areas where public or private services, utilities, and access can be provided with a minimum burden to community resources in the rural I land use area of the county comprehensive plan A. (Ord. 2005-02 (part))

**21.28.020 Allowable uses.**

- A. Single-family dwellings.
- B. Duplexes.
- C. Triplexes.
- D. Fourplexes.
- E. Professional services.
- F. Public facilities and utilities.
- G. Cottage occupation (in accordance with Chapter 21.70).
- H. Light home industry (in accordance with Chapter 21.70).
- I. Domestic agriculture.
- J. Residential care facilities (in accordance with Chapter 21.85).
- K. Family day care home (in accordance with Section 21.86.020).
- L. Safe home.
- M. Accessory equipment structures.
- N. Attached communication facilities located on BPA towers (in accordance with Section 21.70.160).
- O. Religious facilities. (Ord. 2018-03, 4-17-18; Ord. 2005-02 (part))

**21.28.025 Administrative review uses.**

- A. Child mini-day care center (in accordance with Section 21.86.030).
- B. Attached communication facilities, not located on BPA towers (in accordance with Section 21.70.160). (Ord. 2005-02 (part))

**21.28.030 Conditional uses.**

- A. Recreation facilities.

- B. Public display.
- C. Geothermal energy facilities.
- D. Surface mining.
- E. Cluster developments.
- F. Semi-public facilities.
- G. Mobile home parks.
- H. Child day care center (in accordance with Section 21.86.040).
- I. Communication towers (in accordance with Section 21.70.160).
- J. Co-location of communication towers (in accordance with Section 21.70.160). (Ord. 2005-02 (part))

**21.28.040 Temporary uses permitted.**

Temporary uses shall be permitted in accordance with requirements of Section 21.70.120 of this title. (Ord. 2005-02 (part))

**21.28.050 Minimum development standards.**

A. Lot Size. The standard minimum lot size, dimensions, and proportions shall be as follows:

1. Where water supply is individual wells, and individual sewage disposal systems are used, minimum lot size shall be two acres. Minimum lot width shall be two hundred feet.
2. Where an adequate public water supply and individual sewage disposal system is used, minimum lot size shall be twelve thousand five hundred square feet. Minimum lot width shall be ninety feet. Minimum lot depth shall be one hundred twenty feet.
3. Where adequate public water supply and adequate public sewer lines are used, the minimum lot size shall be eight thousand square feet. Minimum lot width shall be seventy feet.
4. In subsections (A)(1), (2) and (3) of this section, the lot depth should not exceed the lot width by more than a ratio of four to one (four being the depth). Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot size indicated above.

B. Density Requirements.

1. Single-Family. Each single-family housing unit (including mobile homes) shall require minimum lot area listed under subsection A of this section.
2. Duplex. Each duplex shall require one hundred fifty percent of the minimum lot area listed under this section, but shall not be less than eighteen thousand square feet.
3. Triplex. Each triplex shall require two hundred percent of the minimum lot area listed under this section, but shall not be less than twenty-four thousand square feet.
4. Fourplex. Each fourplex shall require two hundred fifty percent of the minimum lot area listed under this section, but shall not be less than thirty-two thousand square feet.

C. Setbacks.

1. Two Acres.

- a. Front Yard. No building or accessory building shall be constructed closer than fifty feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or twenty feet from the front property line, whichever is greater.
- b. Side Yard. On each side of the building or accessory building, a side yard shall be provided of not less than twenty feet.
- c. Rear Yard. A rear yard shall be provided of not less than twenty feet, including accessory buildings.
- d. Nonconforming Lots. Lots of less than two acres in size shall conform to at least standard building code setback requirements for unzoned lots.

2. Twelve Thousand Five Hundred Square Feet.

- a. Front Yard. No building or accessory building shall be constructed closer than forty-five feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or road or fifteen feet from the front property line, whichever is greater.
- b. Side Yard. On each side of the building or accessory building, a side yard shall be provided of not less than five feet.
- c. Rear Yard. A rear yard shall be provided of not less than fifteen feet, including accessory buildings.

3. Eight Thousand Square Feet.

- a. Front Yard. No building or accessory building shall be constructed closer than forty-five feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or road or fifteen feet from the front property line, whichever is greater.
- b. Side Yard. On each side of the building or accessory building, a side yard shall be provided of not less than five feet.
- c. Rear Yard. A rear yard shall be provided of not less than fifteen feet, including accessory buildings.

4. A Yard that Fronts on More than One Road. A setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a setback of fifteen feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater if the parcel is less than two acres. If the parcel is greater than two acres, the setback shall be twenty feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater.

5. Setbacks from cul-de-sacs and hammerhead turnarounds shall be twenty feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater.

D. Other Standards.

1. Building coverage shall not exceed thirty percent of the total lot area.
2. Building height limit for permitted uses shall not exceed thirty-five feet above average site grade, with the exception of Section 21.70.050 of this title.
3. Standards for off-street parking shall comply with Section 21.70.070 of this title.
4. No building or structure may be located within any easements. (Ord. 2005-02 (part))

## Chapter 21.32

### RESIDENTIAL 2 ZONE CLASSIFICATION (R-2)

Sections:

- 21.32.010 Purpose—Intent.
- 21.32.020 Allowable uses.
- 21.32.025 Administrative review uses.
- 21.32.031 Conditional uses.
- 21.32.040 Temporary uses permitted.
- 21.32.050 Minimum development standards.

**21.32.010 Purpose—Intent.**

The R-2 zone classification is intended to provide a transition zone of medium density residential development which will maintain a rural character of the areas in the rural I and rural II land use areas of the county comprehensive plan A. (Ord. 2005-02 (part))

**21.32.020 Allowable uses.**

- A. Single-family dwellings.
- B. Commercial and domestic agriculture.
- C. Forestry.
- D. Public facilities and utilities.
- E. Professional services.
- F. Cottage occupation (in accordance with Chapter 21.70).
- G. Light home industry (in accordance with Chapter 21.70).
- H. Residential care facilities (in accordance with Chapter 21.85).
- I. Family day care home (in accordance with Section 21.86.020).
- J. Safe home.
- K. Accessory equipment structures.
- L. Attached communication facilities located on BPA towers (in accordance with Section 21.70.160).
- M. Religious facilities. (Ord. 2018-03, 4-17-18; Ord. 2005-02 (part))

**21.32.025 Administrative review uses.**

- A. Child mini-day care center (in accordance with Section 21.56.030).
- B. Attached communication facilities, not located on BPA towers (in accordance with Section 21.70.160). (Ord. 2005-02 (part))

**21.32.031 Conditional uses.**

- A. Recreation facilities.
- B. Geothermal energy facilities.
- C. Public displays.

- D. Surface mining.
- E. Cluster development.
- F. Duplexes.
- G. Mobile home parks.
- H. Semi-public facilities.
- I. Child day care center (in accordance with Section 21.86.040).
- J. Communication towers (in accordance with Section 21.70.160).
- K. Co-location of communication towers (in accordance with Section 21.70.160). (Ord. 2005-02 (part))

**21.32.040 Temporary uses permitted.**

Temporary uses shall be permitted in accordance with the requirements of Section 21.70.120 of this title. (Ord. 2005-02 (part))

**21.32.050 Minimum development standards.**

A. Lot Size. Minimum lot size shall be two acres. The lot depth should not exceed the lot width by more than a ratio of four to one (four being the depth). Minimum lot width shall be two hundred feet. Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot size indicated above.

B. Density Requirements.

1. Single-Family. Each single-family housing unit (including mobile homes) shall require the minimum lot area listed under subsection A of this section.
2. Duplex. Each duplex shall require one hundred fifty percent of the minimum lot area listed under subsection A of this section.

C. Setbacks. The standard setback requirements shall be as follows:

1. Front Yard. No building or accessory building shall be constructed closer than fifty feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or twenty feet from the front property line, whichever is greater.
2. Side Yard. On each side of the building or accessory building, a side yard shall be provided of not less than twenty feet.
3. Rear Yard. A rear yard shall be provided of not less than twenty feet, including accessory buildings.
4. Nonconforming Lots. Lots of less than two acres in size shall conform to standard building code setback requirements.
5. A Yard that Fronts on More than One Road. A setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a setback of fifteen feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater if the parcel is less than two acres. If the parcel is greater than two acres, the setback shall be twenty feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater.
6. Setbacks from cul-de-sacs and hammerhead turn arounds shall be twenty feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater.

D. Other Standards.

1. Building height limit for permitted residential uses shall not exceed thirty-five feet above average site grade, with the exception of Section 21.70.050 of this title.
2. Standards for off-street parking shall comply with Section 21.70.070 of this title.
3. No building or structure may be located within any easement. (Ord. 2005-02 (part))

## Chapter 21.40

### RESIDENTIAL 10 ZONE CLASSIFICATION (R-10)

Sections:

- 21.40.010 Purpose—Intent.
- 21.40.020 Allowable uses.
- 21.40.025 Administrative review uses.
- 21.40.030 Conditional uses.
- 21.40.040 Temporary uses permitted.
- 21.40.050 Minimum development standards.

**21.40.010 Purpose—Intent.**

The R-10 zone classification is intended to provide a transition zone of low density rural residential development which will maintain the rural character of areas within the rural II and conservancy land use areas of the county comprehensive plan A. (Ord. 2005-02 (part))

**21.40.020 Allowable uses.**

- A. Single-family dwellings.
- B. Commercial and domestic agriculture.
- C. Forestry.
- D. Public facilities and utilities.
- E. Cottage occupation (in accordance with Chapter 21.70).
- F. Light home industry (in accordance with Chapter 21.70).
- G. Residential care facilities (in accordance with Chapter 21.85).
- H. Family day care home (in accordance with Section 21.86.020).
- I. Safe home.
- J. Accessory equipment structures.
- K. Attached communication facilities located on BPA towers (in accordance with Section 21.70.160).
- L. Religious facilities. (Ord. 2018-03, 4-17-18; Ord. 2005-02 (part))

**21.40.025 Administrative review uses.**

- A. Child mini-day care center (in accordance with Section 21.86.030).
- B. Attached communication facilities not located on BPA towers (in accordance with Section 21.70.160).
- C. Communication towers (in accordance with Section 21.70.160).
- D. Co-location of communication towers (in accordance with Section 21.70.160). (Ord. 2005-02 (part))

**21.40.030 Conditional uses.**

- A. Recreational facilities.
- B. Geothermal energy facilities.
- C. Public displays.



- D. Professional services.
- E. Surface mining.
- F. Cluster developments.
- G. Semi-public facilities.
- H. Small and large-scale recreational vehicle parks.
- I. Child day care center (in accordance with Section 21.86.040). (Ord. 2005-02 (part))

**21.40.040 Temporary uses permitted.**

Temporary uses shall be permitted in accordance with the requirements of Section 21.70.120 of this title. (Ord. 2005-02 (part))

**21.40.050 Minimum development standards.**

A. Lot Size. Minimum lot size shall be ten acres. The lot depth should not exceed the lot width by more than a ratio of four to one (four being the depth). Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot size indicated above.

B. Density Requirements. Single-Family. Each single-family housing unit (including mobile homes) shall require the minimum lot area listed in subsection A of this section.

C. Setbacks. The standard minimum setback requirements shall be as follows:

1. Front Yard. No building or accessory building shall be constructed closer than fifty feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or twenty feet from the front property line, whichever is greater.
2. Side Yard. On each side of the building or accessory building, a side yard shall be provided of not less than twenty feet.
3. Rear Yard. A rear yard shall be provided of not less than twenty feet, including accessory buildings.
4. Nonconforming Lots. Lots of less than two acres in size shall conform to standard building code setback requirements.
5. A Yard that Fronts on More than One Road. A setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a setback of fifteen feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater if the parcel is less than two acres. If the parcel is greater than two acres, the setback shall be twenty feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater.
6. Setbacks from cul-de-sacs and hammerhead turn arounds shall be twenty feet from the property line, or the edge of the public road right-of-way or private road easement, whichever is greater.

D. Other Standards.

1. Building height limit for permitted uses shall not exceed thirty-five feet above average site grade, with the exception of Section 21.70.050 of this title.
2. Standards for off-street parking shall comply with Section 21.70.070 of this title.
3. No building or structure may be located within any easement. (Ord. 2005-02 (part))

## DRAFT

**21.XX.XXX Forest Lands 10 (FL10).**

A. Purpose - Intent. The Forest Lands 10 (FL10) zone classification is intended to provide land for present and future non-industrial forestry operations. A secondary purpose is to provide buffers between commercial resource lands and rural lands designations.

## B. Allowable Uses.

1. Forest practices and associated management activities of any forest crop, including but not limited to timber harvest, harvesting of forest resources (mushrooms, bear grass, boughs, berries, etc), Christmas trees, and nursery stock;
2. Log sorting and storage areas, scaling stations, and forest industry storage and maintenance facilities, provided the intent of the processing is initial reduction in bulk and/or to facilitate transport of products to a secondary processing center. These uses shall not include commercial and manufacturing uses such as but not limited to: manufacture of finished wood products, such as furniture, lumber, or plywood, nor the retail sales of products from the site;
3. Commercial and domestic agriculture;
4. Management and enhancement of unique biological areas, propagation of fish and wildlife, and, water resource management facilities;
5. Scientific monitoring or research devices;
6. Storage of explosives, fuels and chemicals allowed by state and federal laws;
7. Attached communication facilities located on BPA towers, (in accordance with SCC Section 21.70.160);
8. Public facilities and/or utility systems;
9. Scout camps, church camps, and/or youth camps;
10. One single-family dwelling per legal lot of record;
11. Cottage occupations, (in accordance with SCC Chapter 21.70);
12. Light home industries, (in accordance with SCC Chapter 21.70);
13. Professional services;
14. Landscaping features, (not located within a critical area);
15. Accessory uses normally associated with an allowable use.

## C. Administrative Review Uses.

1. Attached communication facilities located on non-BPA towers, (in accordance with SCC Section 21.70.160);
2. Temporary crew quarters and/or farm labor housing in conjunction with forest or agricultural activities.

## D. Conditional Uses.

1. Extraction and processing of gravel and rock for construction and maintenance of roads and trails within the forest owner's property, provided:
  - a. Ownership is a minimum of twenty contiguous acres;
  - b. Land is in a forest tax classification;

- c. There is a forest management plan for the property;
2. Recreational facilities;
3. Commercial kennel facilities;
4. Semi-public facilities and utilities;
5. Sawmills, shake and shingle mills, and chipper facilities;
6. Communication tower(s), (in accordance with SCC Section 21.70.160);
7. Expansion of existing legally established commercial mineral resource extraction and/or processing sites.

E. Temporary Uses Permitted.

1. Temporary uses shall be permitted in accordance with the requirements of SCC Section 21.70.120

F. Prohibited Uses.

1. Any uses not listed above are prohibited.

G. Minimum Development Standards.

1. Lot Size. The standard minimum lot size, dimensions, and proportions shall be as follows (unless the local health authority requires a greater lot size):

- a. Minimum lot size shall be ten acres.

2. Density Requirements.

- a. Single-family: Each single-family dwelling (including mobile homes) shall require the minimum lot area listed under SCC Section 21.67.090(G)(1).

- b. One single-family dwelling per legal lot of record allowed.

- c. Multi-family: No multi-family dwellings (two or more units) are allowed within the FL10 zone classification.

3. Setbacks. The following are the minimum lot line setbacks for all buildings and accessory buildings:

- a. Front yard: No building or accessory building shall be constructed closer than fifty feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or twenty feet from the front property line, whichever is greater.

- b. Side yard: No building or accessory building shall be constructed closer than twenty feet from the property line on each side of the structure.

- c. Rear yard: No building or accessory building shall be constructed closer than twenty feet from the rear property line.

- d. Non-conforming Lots: Lots of less than two acres in size shall conform to standard building code setback requirements.

- e. A Yard That Fronts on More Than One Road: The setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a setback of fifteen feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater if the parcel is less than two acres. If the parcel is greater than

two acres the setback shall be twenty feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater.

f. Cul-de-sacs and hammerhead turnarounds: The setback requirement for a cul-de-sac or hammerhead turnaround shall be twenty feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater.

4. Other Standards.

a. Building height limit for permitted uses shall not exceed thirty-five feet above grade, with the exception of SCC Section 21.70.050, and SCC Section 21.70.160

b. No building or accessory structure shall be located within any easement.

DRAFT

## DRAFT

**21.XX.XXX Forest Lands 20 (FL20).**

A. Purpose - Intent. The Forest Lands 20 (FL20) zone classification is intended to provide land for present and future non-industrial forestry operations. A secondary purpose is to provide buffers between commercial resource lands and rural lands designations.

## B. Allowable Uses.

1. Forest practices and associated management activities of any forest crop, including but not limited to timber harvest, harvesting of forest resources (mushrooms, bear grass, boughs, berries, etc), Christmas trees, and nursery stock;
2. Log sorting and storage areas, scaling stations, and forest industry storage and maintenance facilities, provided the intent of the processing is initial reduction in bulk and/or to facilitate transport of products to a secondary processing center. These uses shall not include commercial and manufacturing uses such as but not limited to: manufacture of finished wood products, such as furniture, lumber, or plywood, nor the retail sales of products from the site;
3. Commercial and domestic agriculture;
4. Management and enhancement of unique biological areas, propagation of fish and wildlife, and, water resource management facilities;
5. Scientific monitoring or research devices;
6. Storage of explosives, fuels and chemicals allowed by state and federal laws;
7. Attached communication facilities located on BPA towers, (in accordance with SCC Section 21.70.160);
8. Public facilities and/or utility systems;
9. Scout camps, church camps, and/or youth camps;
10. One single-family dwelling per legal lot of record;
11. Cottage occupations, (in accordance with SCC Chapter 21.70);
12. Light home industries, (in accordance with SCC Chapter 21.70);
13. Professional services;
14. Landscaping features, (not located within a critical area);
15. Accessory uses normally associated with an allowable use.

## C. Administrative Review Uses.

1. Attached communication facilities located on non-BPA towers, (in accordance with SCC Section 21.70.160);
2. Temporary crew quarters and/or farm labor housing in conjunction with forest or agricultural activities.

## D. Conditional Uses.

1. Extraction and processing of gravel and rock for construction and maintenance of roads and trails within the forest owner's property, provided:
  - a. Ownership is a minimum of twenty contiguous acres;
  - b. Land is in a forest tax classification;

- c. There is a forest management plan for the property;
2. Recreational facilities;
3. Commercial kennel facilities;
4. Semi-public facilities and utilities;
5. Sawmills, shake and shingle mills, and chipper facilities;
6. Communication tower(s), (in accordance with SCC Section 21.70.160);
7. Expansion of existing legally established commercial mineral resource extraction and/or processing sites.

E. Temporary Uses Permitted.

1. Temporary uses shall be permitted in accordance with the requirements of SCC Section 21.70.120

F. Prohibited Uses.

1. Any uses not listed above are prohibited.

G. Minimum Development Standards.

1. Lot Size. The standard minimum lot size, dimensions, and proportions shall be as follows (unless the local health authority requires a greater lot size):

- a. Minimum lot size shall be twenty acres.

2. Density Requirements.

- a. Single-family: Each single-family dwelling (including mobile homes) shall require the minimum lot area listed under SCC Section 21.67.090(G)(1).

- b. One single-family dwelling per legal lot of record allowed.

- c. Multi-family: No multi-family dwellings (two or more units) are allowed within the FL20 zone classification.

3. Setbacks. The following are the minimum lot line setbacks for all buildings and accessory buildings:

- a. Front yard: No building or accessory building shall be constructed closer than fifty feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or twenty feet from the front property line, whichever is greater.

- b. Side yard: No building or accessory building shall be constructed closer than twenty feet from the property line on each side of the structure.

- c. Rear yard: No building or accessory building shall be constructed closer than twenty feet from the rear property line.

- d. Non-conforming Lots: Lots of less than two acres in size shall conform to standard building code setback requirements.

- e. A Yard That Fronts on More Than One Road: The setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a setback of fifteen feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater if the parcel is less than two acres. If the parcel is greater than

two acres the setback shall be twenty feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater.

f. Cul-de-sacs and hammerhead turnarounds: The setback requirement for a cul-de-sac or hammerhead turnaround shall be twenty feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater.

4. Other Standards.

a. Building height limit for permitted uses shall not exceed thirty-five feet above grade, with the exception of SCC Section 21.70.050, and SCC Section 21.70.160

b. No building or accessory structure shall be located within any easement.

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## DRAFT

**21.XX.XXX Commercial Resource Lands 40 (CRL40).**

A. Purpose - Intent. The Commercial Resource Lands 40 (CRL40) zone classification is intended to designate and protect forest, agricultural, and mineral resource lands of long-term significance. This designation shall take into account the proximity to human settlement, the size of the parcel, and the long-term economic conditions for the commercial production of timber and agriculture, and the commercial extraction of minerals.

## B. Allowable Uses.

1. Forest practices and associated management activities of any forest crop, including but not limited to timber harvest, harvesting of forest resources (mushrooms, bear grass, boughs, berries, etc), Christmas trees, and nursery stock;
2. Log sorting and storage area, scaling stations, forest industry storage and maintenance facilities, sawmills, shake and shingle mills, and chipper facilities;
3. Commercial and domestic agriculture;
4. Management and enhancement of unique biological areas, propagation of fish and wildlife, and water resource management facilities;
5. Scientific monitoring or research devices;
6. Storage of explosives, fuels, and chemicals allowed by state and federal laws;
7. Attached communication facilities located on BPA towers, (in accordance with SCC Section 21.70.160);
8. Public and/or semi-public facilities and utility systems;
9. Historic sites open to the public that do not interfere with resource land management;
10. Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of portable rock crushers, provided the material is used within the CRL40 designation, FL20 designations, or on the forest owner's property;
11. Accessory uses normally associated with an allowable use;
12. Landscaping features, (not located within a critical area);

## C. Administrative Review Uses.

1. Attached communication facilities located on non-BPA towers, (in accordance with SCC Section 21.70.160);
2. Temporary crew quarters and/or farm labor housing in conjunction with forest and agricultural activities.

## D. Conditional Uses.

1. Communication tower(s), (in accordance with SCC Section 21.70.160);
2. Recreation facilities;
3. Sand and/or gravel pit, stone quarry, mining, crushing, stockpiling or mineral resources and similar uses for the development of natural resources extracted on-site, and not otherwise outright permitted above;
4. Private aircraft landing field as an accessory use to forest management or a legal non-conforming use;
5. Natural resource training/research facilities;



E. Temporary Uses Permitted.

1. Temporary uses shall be permitted in accordance with the requirements of SCC Section 21.70.120

F. Prohibited Uses.

1. Any uses not listed above are prohibited.

G. Minimum Development Standards.

1. Lot Size. The standard minimum lot size, dimensions, and proportions shall be as follows (unless the local health authority requires a greater lot size):

- a. Minimum lot size shall be forty acres.

2. Density Requirements.

- a. No dwelling units are allowed in the CRL40 zone classification.

3. Setbacks. The following are the minimum lot line setbacks for all buildings and accessory buildings:

- a. Front yard: No building or accessory building shall be constructed closer than fifty feet from the centerline of the public road right-of-way or thirty-five feet from the centerline of a private road (not including private driveways), or twenty feet from the front property line, whichever is greater.

- b. Side yard: No building or accessory building shall be constructed closer than twenty feet from the property line on each side of the structure.

- c. Rear yard: No building or accessory building shall be constructed closer than twenty feet from the rear property line.

- d. Non-conforming Lots: Lots of less than two acres in size shall conform to standard building code setback requirements.

- e. A Yard That Fronts on More Than One Road: The setback requirement for the front yard of a lot that fronts on more than one road shall be the required setback for that zone classification. All other frontages shall have a setback of fifteen feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater if the parcel is less than two acres. If the parcel is greater than two acres the setback shall be twenty feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater.

- f. Cul-de-sacs and Hammerhead Turnarounds: The setback requirement for a cul-de-sac or hammerhead turnaround shall be twenty feet from the property line, the edge of the public road right-of-way, or private road easement, whichever is greater.

4. Other Standards.

- a. Building height limit for permitted uses shall not exceed thirty-five feet above grade, with the exception of SCC Section 21.70.050, and SCC Section 21.70.160

- b. No building or structure shall be located within any easement.

## Memorandum

Date: 3 October 2017

Subject: Research on Temporary Dwelling Flexibility  
Skamania County Code Update (A15.0208.04)

From: Ethan Spoo, Senior Planner

To: Alan Peters, Skamania County; Debbie Cazare, Skamania County

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### INTRODUCTION

Skamania County is considering revising the Skamania County Code (SCC) to provide more flexibility in the circumstances under which temporary housing is permitted by the County. As an example, temporary housing could be permitted for use by persons facing not just medical hardships, as the existing code now requires, but also those who face financial or other hardships. The County asked BergerABAM to assist this effort by researching the advantages and disadvantages of expanding the circumstances under which temporary dwellings are permitted by the SCC and building department, including assessing the potential for certain types of temporary dwellings to be used on a longer-term or permanent basis. BergerABAM researched temporary housing codes from other jurisdictions and compiled articles from online sources.

This memorandum summarizes our research, and discusses several approaches for permitting temporary housing. Copies of the most pertinent research materials are attached.

### EXISTING CODIFIED REGULATIONS

#### State Requirements

In Washington, jurisdictions generally require permanent dwelling units to be constructed to either local or state-adopted building codes (such as the International Residential Code, U.S. Department of Housing and Urban Development [HUD] standards, or International Building Code [IBC])<sup>1</sup>. RVs and other dwellings designed for temporary occupancy are not required to be built to these standards, as the IBC applies stricter standards to dwelling units that will be

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<sup>1</sup> Legalizing the Tiny House: Bringing Rogue Housing in from the Cold, <http://www.sightline.org/2016/06/27/legalizing-the-tiny-house/> (last visited Aug. 25, 2017).



occupied for longer than 180 days, and the State specifies that local building officials cannot issue a temporary permit for more than 180 days unless an extension is granted for a demonstrated cause<sup>2</sup>. WAC does not define or provide parameters for what may qualify as a “demonstrated cause”.

While RVs are defined in SCC Chapter 21.08, tiny houses do not have a county, state, or other officially recognized definition. In general, the term applies to small homes (typically between 100 and 400 square feet) on wheels or on a foundation.<sup>3</sup> In Washington, tiny houses on wheels are considered a type of RV called “park model RVs” (PMRV). Tiny houses can also be site built or manufactured for placement on a permanent foundation; when placed on a permanent foundation, the tiny house may or may not be considered a permanent dwelling, depending on the structure and the local building code.

State regulations covering the manufacturing of RVs and PMRVs are codified in WAC 296-150R and WAC 296-150P. Makers of RVs in Washington are required to obtain an inspection through the Washington State Department of Labor and Industries, and all RVs and PMRVs must be built in compliance with applicable regulations from the American National Standards Institute (ANSI)<sup>4</sup>, have a state seal, and have a VIN label. ANSI includes standards regulating RVs and PMRVs, including but not limited to the following:

- Construction requirements, addressing structural strength and rigidity, protection against the hazards of fire, resistance to the elements, and durability and economy of maintenance.
- Minimum installation requirements and material standards for a plumbing system.
- Installation requirements for propane appliances and equipment.
- Electrical requirements.

## **Skamania County Regulations**

### **Temporary Dwellings Code Section**

Temporary dwellings are currently regulated under SCC 21.70.120. Under the existing provisions, temporary dwellings are allowed in residential zones and may include RVs<sup>5</sup> or

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<sup>2</sup> WAC 51-50-0108 (Temporary structures and uses). <http://apps.leg.wa.gov/wac/default.aspx?cite=51-50-0108>

<sup>3</sup> The Tiny Life, What is the Tiny House Movement?, [thetinylife.com/what-is-the-tinyhouse-movement/](http://thetinylife.com/what-is-the-tinyhouse-movement/) (last visited Aug. 25, 2017).

<sup>4</sup> RVs must meet the standards of ANSI/RVIA UPA-1, and PMRVs must meet ANSI A119.

<sup>5</sup> SCC Chapter 21.08, Definitions: “Recreational vehicle” means a vehicle or trailer designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any

“mobile homes.” According to the temporary dwellings code section, the intent is not to establish “a long-term use commitment that conflicts with the comprehensive plan and implementing ordinances.” Per the County definition, mobile homes appear to include manufactured homes.<sup>6</sup> In general terminology, the difference between “mobile homes” and “manufactured homes” is that manufactured homes are built to standards established by HUD.<sup>7</sup> The County considers RVs to be preferable to mobile homes as temporary dwellings as they are easier (and less costly) to remove.

Per the SCC, RVs placed for longer than 14 consecutive days, or a total of 120 days per calendar year, are required to obtain a temporary dwelling permit. Mobile homes require a temporary dwelling permit if the unit would violate the density requirements of the underlying zoning. Under the current code, a mobile/manufactured home may be permitted as a permanent dwelling if it does not violate the density requirements; under these circumstances the home is subject to inspection by the County to verify zoning requirements (e.g., setbacks) are met, and to inspect the foundation and utilities.

Codified regulations for temporary housing and RVs are more lenient in the County National Scenic Area (NSA) regulations. SCC Title 22 (Columbia River Gorge National Scenic Area), Chapter 22.04 (Definitions) contains different standards applicable to temporary housing and recreational vehicles. In the NSA, “recreational or camping vehicle” is defined as *“a vacation trailer, camper, self-propelled vehicle or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water and electrical lines or is occupied on the same parcel for more than sixty days in any consecutive twelve-month period.”* In the NSA, an RV could be considered a dwelling

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*structure inspected, approved and designated a recreational vehicle by and bearing the insignia of the state of Washington or any other state or federal agency having the authority to approve recreational vehicles.*

<sup>6</sup> SCC Chapter 21.08, Definitions: *“Mobile home” means a dwelling unit that is placed on a parcel other than the parcel where it is made or assembled, is equipped with the necessary service connections for the hookup of required utilities, may or may not require a permanent foundation as per manufacturer’s instruction (i.e., mobile homes and manufactured homes), and that does not meet the requirements of the applicable building codes. This definition does not include recreational vehicles.*

<sup>7</sup> Cascade, Understanding the Difference between Mobile and Manufactured Homes, <https://www.cascadeloans.com/difference-between-mobile-and-manufactured-homes/> (last visited 25 August 2017).

unit under the above circumstances<sup>8</sup>. This contradicts the regulation of temporary housing outside of the NSA, as the zoning definition of a “dwelling unit” does not include RVs.<sup>9</sup>

Under the temporary dwelling provisions outside the NSA, a temporary dwelling must satisfy two conditions in order to be permitted: the owner is in the process of placing a dwelling on the property, or the occupant of the temporary dwelling will receive continuous medical care from someone residing in the primary dwelling unit (or vice versa). No rent, fee, or payment of any kind may be paid to the parcel owner for the placement and/or occupancy of the temporary dwelling. A statement from a physician is required to establish a medical hardship.

Minimum criteria apply to the placement of a temporary dwelling: (1) the temporary dwelling must be designed, constructed, and maintained in such a way as to facilitate its removal or conversion to a permanent dwelling; (2) RVs must maintain a license; (3) only one temporary dwelling per parcel is allowed; (5) Health Department requirements (water and sanitation) must be met; and (6) setback requirements must be met.

Permits for temporary dwelling units are valid for one year and can be renewed annually provided the hardship is reestablished. Temporary dwelling unit permits may be revoked with notice provided, if the original conditions are not met.

### **Recreational Vehicle Code Section**

SCC Title 18 codifies standards for mobile homes, RVs, RV parks (three or more RVs), and mobile home parks (three or more mobile homes). The code requires that local improvements, such as roads, stormwater structures, and fire protection systems, be built to County code. The code also requires that all RV/mobile home parks provide water and sewage utilities that meet or exceed the standards of the local health authority or state regulations.

### **RESEARCH**

BergerABAM reviewed municipal codes to understand how other jurisdictions’ land use codes address tiny houses and temporary dwellings. We also researched information obtained from the American Planning Association and the Municipal Research and Services Center (Attachments A through C). Our research found general consensus that temporary dwellings (particularly the use of tiny houses as temporary dwellings) is a nebulous topic with many gray

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<sup>8</sup> SCC Chapter 22.04, Definitions (NSA): “Dwelling unit” means a single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

<sup>9</sup> SCC Chapter 21.08, Definitions (Zoning): “Dwelling unit” means a structure, or that part of a structure, which is used as a home, residence, or sleeping place by one family that contains kitchen facilities and sanitary facilities. (Does not include recreational vehicles.)

areas. Because there is little regulation of either temporary dwellings or tiny houses at the state level, most responsibility falls on local jurisdictions.

The codes of several counties in Washington include provisions regulating temporary housing that are comparable to Skamania County's regulations. In the Cowlitz County Municipal Code (Chapter 18.44, Temporary Dwelling Permit), temporary dwellings are permitted if the resident is either a caretaker of a person in the primary dwelling, or a caretaker or other employee working on the property in connection with an agricultural or related use. Caretaker status must be established through a notarized letter from the landowner (if agricultural) or a medical doctor. The code does not specify utility connections. Temporary dwellings in Cowlitz County cannot be subject to rent, and a one-year permit must be obtained through the Building Department (see Attachment D).

The Clark County Municipal Code (Section 40.260.210, Temporary Dwellings), permits temporary dwellings when the occupant is a caretaker of the primary dwelling occupant, a caretaker or hired hand working on the property, or relatives over 62 years of age with an income below 50 percent of the median income for the County. The permit application must include documentation of approval of water supply and sewage disposal system by the appropriate government agency, and either a notarized letter from the property owner (if the owner will be the caretaker of a relative as specified above) or a medical doctor (if the caretaker of the homeowner will occupy the temporary dwelling) (see Attachment E).

The City of Ocean Shores Municipal Code allows PMRVs and other recreational vehicles to be used for long-term occupancy, although only in a "recreational vehicle park and camp trailer" zoning district (R-6A).<sup>10</sup> The purpose of the R-6A zone is for the "protection of property values while providing opportunity for affordable resident and recreational housing".

The City of Ocean Shores also codifies their regulations for temporary housing. Chapter 15.12 (Temporary Housing) uses a flexible definition for temporary housing that could apply to a tiny house on wheels (PMRV), RV, or mobile home ("any motorized or nonmotorized vehicle or trailer which is primarily designed for temporary living"). The City of Ocean Shores allows temporary living quarters on undeveloped lots for 90 days and on developed lots for 10 consecutive days or 30 cumulative days. The Ocean Shores code also includes a provision which authorizes the Building Division to issue a written permit allowing "structures of temporary character" to be used as a residence for up to one year. According to the County, this is only

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<sup>10</sup> City of Ocean Shores Municipal Code, Chapter 17.25 R-6a Zone—Recreational Vehicle and Trailer, <http://www.codepublishing.com/WA/OceanShores/html/OceanShores17/OceanShores1725.html#17.25>

allowed if the occupant needs additional time to complete construction on the subject property and can provide evidence of such to the building department<sup>11</sup> (see Attachment F).

In 2016, the City of Fresno, California, became the first municipality in the nation to codify authorization for tiny houses as permanent dwellings. Section 15-2754 of the city code (Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters) allows any homeowner to park a tiny house on wheels as a permanent second dwelling (considered a “backyard cottage”), either for use by the homeowner or as a rental unit. Backyard cottages are subject to a maximum floor area of 440 square feet and do not require additional parking; however, they are subject to other development standards (such as setbacks) per the underlying zoning district (see Attachment G).

Research suggests that RVs and PMRVs are not appropriate for permanent habitation, as they are not built to residential building code standards and may be subject to faster degradation or fire, putting the occupants at risk for safety and the County at risk for liability. Although not discussed in online research articles or in the codes of other jurisdictions, temporary housing could be expected to create demands on public services (i.e. parks, schools, roads, etc.) similar to impacts created by permanent housing. However, temporary housing does not pay property taxes and therefore the demand is not offset by tax revenues, leaving permanent housing to cover these costs or local government to seek other sources of revenue.

## **SUMMARY**

Mobile homes can be permitted as permanent housing provided they do not exceed density requirements. Given the research regarding the safety hazards and potential for litigation over permitting structures intended for temporary use as permanent, it is not advisable to permit RVs or PMRVs as permanent dwellings. There is no clear-cut standard for regulating temporary dwellings in Washington. If the County wishes to continue permitting RVs, PMRVs, and mobile homes as temporary dwellings, it has several primary options ranging from making minor changes to the existing code in recognition of housing trends while keeping time limitations in place, to significantly increasing time limitations.

*Option 1:* The County may retain the existing code, as-is, or make minor modifications to address existing concerns. Minor updates could include adding a definition for PMRVs and allowing them for temporary use, adding requirements for utility connections after a certain time period (likely more than 30 or 60 days), broadening the type of hardships, and referring to the County’s accessory dwelling unit ordinance for site-built tiny houses. This approach could retain the existing number of days an RV is allowed to be occupied consecutively and within a

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<sup>11</sup> Bridges, Alicia. (2017, September 26). City of Ocean Shores Planning and Permits Department. Phone Interview.

year (14 and 120 days). This option would recognize current housing trends for the use of RVs, PMRVs, and site-built tiny houses, but would help protect the County legally by keeping the existing time limitation in place.

**Option 2:** The County could moderately increase the threshold for RVs to be occupied (without obtaining a temporary dwelling permit) to 30 days without a required utility connection, or 60 days with a required utility connection. This would allow greater flexibility for RVs and PMRVs to be used as temporary housing. This option may raise some health and safety concerns, and the Health Department should be consulted and involved in drafting the code update, especially as concerns when utilities should be required. The County could also consider broadening the types of hardships to include, for example, financial hardship.

**Option 3:** As discussed, the IBC dictates stricter structural standards for units occupied for more than 180 days in a calendar year, and the State limits temporary structures to a maximum of 180 days, establishing an outside time limit for their temporary use and not conflicting with state requirements regarding temporary use for RVs.<sup>12</sup> The County could increase the maximum permitted time for a temporary dwelling from the 120 days now specified to 180 days and require utility connections after more than 60 days.

**Option 4:** The County could revise the code to allow one-year permits for temporary houses, subject to annual renewal and an annual inspection with no limitation on the number of consecutive or yearly days of occupancy. This option affords maximum flexibility to property owners and those in hardship situations. However, this option raises several concerns that would need to be addressed, such as compliance with IBC standards, when utility connections should be required, health and safety, neighborhood compatibility, and risk to the County created by issuing permits for time periods longer than 180 days. Complications include concerns over health, safety, welfare, and fiscal impacts (e.g., a temporary dwellings use services and would not pay as much for them).

Under all of the above options, the County could implement an annual renewal and inspection process to ensure that the original code requirements and permit conditions continue to be met. Given that temporary dwellings are not constructed to building code standards, the County could inspect the safety of the temporary dwelling for continued occupancy. Permit fees should be implemented to offset County costs.

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<sup>12</sup> WAC 51-50-0108 (Temporary structures and uses). <http://apps.leg.wa.gov/wac/default.aspx?cite=51-50-0108>



**ATTACHMENTS**

Attachment A: Municipal Research and Services Center, Tiny Homes: Coming to a Neighborhood Near You? 30 December 2015.

Attachment B: Sightline Institute, Legalizing the Tiny House. 27 June 2016.

Attachment C: American Planning Association, PAS Quick Notes 68: Making Space for Tiny Houses. Downloaded on 6 September 2017.

Attachment D: Cowlitz County Municipal Code, Chapter 18.44: Temporary Dwelling Permit

Attachment E: Clark County Municipal Code, Section 40.260.210, Temporary Dwellings

Attachment F: City of Ocean Shores Municipal Code, Chapter 15.12, Temporary Housing

Attachment G: City of Fresno Municipal Code, Section 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters

**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment A  
Municipal Research and Services Center,  
Tiny Homes: Coming to a Neighborhood Near You?**



## Tiny Homes: Coming to a Neighborhood Near You?

December 30, 2015 by [Steve Butler](#)  
Category: [Development Regulations and Zoning](#)



*Proud tiny home owners. Courtesy of [Portland Alternative Dwellings](#).*

Tiny homes are all the rage these days! You can't turn on cable TV without coming across at least one or two shows about them, and there are numerous blog articles, websites, and even conventions about tiny homes. If they are so popular, then why don't we see more tiny homes in our communities?

The simple answer is that our zoning and building/construction regulations

create significant barriers against them, especially if someone wants to live in a tiny home on a permanent basis. When I first started researching this issue, I thought that zoning restrictions would be the major limiting factor. As I dug deeper into the details, however, I discovered that construction/building codes are actually the primary deterrent to tiny homes being used as a permanent dwelling unit.

### What is Considered a Tiny Home?

For the purpose of this post, I define "tiny home" as a small dwelling (500 square feet or less), with a kitchen and bathroom, mounted on wheels, and able to be pulled by a vehicle (see the photo above). A tiny home is *not* a very small house built on-site, or a traditional recreational vehicle (RV). But, as you will see, things start to get a little murkier as you dive into the details.

### Zoning for Tiny Homes

Relevant state law and local regulations deal primarily with camper trailers and recreational vehicles (RVs) that are used on a temporary basis, and not tiny homes on a chassis with wheels intended for permanent occupancy. Accordingly, most zoning codes treat such tiny homes as camper trailers or RVs, and usually allow them only for temporary, recreational use in campgrounds, RV parks, and occasionally in mobile home parks.

If a local government wanted to allow permanent occupancy of tiny homes in residential zones as another housing option, it would be relatively straightforward (although not necessarily easy) to address the following issues within a community's zoning code:

- Zones where they would be allowed;
- Standards to be applied to tiny homes;
- Minimum dwelling unit size/occupancy (if your code has such standards); and
- Eligibility of tiny homes to be Accessory Dwelling Units (ADU).

A major issue is that most of the zoning provisions discussed above, however, pertain to a tiny home being treated as a *permanent* dwelling unit. And, therein, lies the dilemma.

## Tiny Homes as Temporary Housing vs. Permanent Dwelling Units

In Washington State, a tiny home with wheels and a chassis is actually called a park model recreational vehicle (PMRV) and is approved only for temporary/recreational use in the state. A tiny home/PMRV with its wheels taken off and mounted on a foundation will still be viewed as a park model recreational vehicle and its use will still be considered as “temporary/recreational” (and not approved as a permanent dwelling unit). Exceptions in state law (RCW 35.21.684 and RCW 36.01.225), however, allow a PMRV to be used as a residence if it is located in a mobile home park, hooked up to utilities, and meets the other requirements of the applicable RCW.

While some tiny home owners intend to use them only for temporary living purposes, others want to use them as permanent, or long-term, residences. In most cases, however, a tiny home/PMRV cannot be converted into a dwelling unit. The International Residential Code (IRC) addresses dwelling units and requires that “permanent provisions for living, sleeping, eating, cooking and sanitation” be provided in a dwelling, along with other requirements such as heating, mechanical and energy efficiency provisions. For example, park model recreation vehicles are only required to meet minimal insulation requirements of R-5 for floor, R-5 for walls and R-7 for ceilings. In contrast, dwellings are held to a much more efficient requirement of R-30 for floors, R-21 for walls and R-49 for ceiling, providing greater energy sustainability.

It is a long and involved process for a tiny home to be approved as a dwelling unit:

1. A person would need to submit engineered plans to the Factory Assembled Structure Program of the Washington State Department of Labor and Industries (L&I) for the construction of a “modular building” (or to the local building department for a **site-built** tiny house).
2. Those plans would be reviewed under the specific Washington State Administrative Code (WAC 296-150F) for conformance with the requirements of the IRC.
3. Once approved, the builder would request inspections during the construction process until final approval had been obtained.
4. After final approval, the L&I inspector would attach the “Modular Gold Label Insignia” to the unit and a notice would be sent to the local building department, letting them know that the factory assembled modular unit is being transported to the intended end user site.
5. Permits from the local building department would be required, and they would need to approve the foundation and installation of the tiny home.
6. The local jurisdiction will typically instruct the owner of the modular unit to provide design engineering for foundation and anchoring attachments from a licensed Washington State engineer *or* require a L&I-approved general design for attaching the tiny home structure to a permanent foundation.

All utilities (water, sewer, and electric) for a permanent tiny home would need to be connected in the same manner as a typical single family house; use of extension cords and garden hoses would not be allowed.

## Need for More Clarity on Tiny Homes

Tiny homes are likely to remain popular for many years to come. However, there are many barriers related to their use as a primary residence, both from a construction standards and zoning perspective. The current requirements make it difficult for tiny homes to become dwelling units, and all but impossible for the “do-it-yourselfer” to build a tiny home and live in it permanently. If there is an interest in making this type of housing more feasible in Washington’s cities, counties and towns, then it may make sense for state and local government officials and tiny home advocates to meet and discuss methods for achieving that goal, without sacrificing safety, energy efficiency, or affordability.

Until that happens, a good place to start is doing some research on your own. If you’re interested, here are a few resources I recommend for learning more about tiny homes:

- *“Tiny Houses, and the Not-So-Tiny Questions They Raise”* report by Donald Elliott, FAICP, and Peter Sullivan, AICP, *Zoning Practice*, Vol. 32, No. 11 (November 2015) - available for purchase upon request by emailing the American Planning Association’s [customer service department](#).
- [Tiny House Community website](#), which includes [Guidelines for Tiny Houses on Wheel \(THOWs\)](#) developed for builders of tiny homes.
- Washington L&I’s [Modular and Other Manufactured Structures website](#).

*If you have had experience with tiny homes in your community or have developed an approach to tiny homes, please leave a comment below or contact me directly at [sbutler@mrsc.org](mailto:sbutler@mrsc.org).*



### About Steve Butler

Steve joined MRSC in February 2015. He has been involved in most aspects of community planning for over 30 years, both in the public and private sectors. Steve has served as president of statewide planning associations in both Washington and Maine, and was elected to the American Institute of Certified Planner’s College of Fellows in 2008.

[VIEW ALL POSTS BY STEVE BUTLER](#) ▶

### Comments

6 comments on Tiny Homes: Coming to a Neighborhood Near You?

“Even a tiny house with lower insulation will use significantly less energy than an “average” sized home. Although the minimum insulation values by the codes applicable to RVs are usually exceeded in the case of a factory assembled structure. They are also easily met with wood framed construction of a typical tiny home on wheels, which if built by an individual does not require a LNI approved design. The owner can save all receipts and get the home inspected by the DOL for road safety and a vin can be issued as a home-built RV. It can also be classified as a “cute load” on a trailer. Rather than talking about the challenges, mention the positives. The options available to

people. As someone earlier mentioning Ocean Shores local zoning allowing RVs for a primary residence. You can also recreate in your own backyard (for varying amounts of time) in some cities, towns and counties - under certain conditions while living in an existing home on the property. There is also a caretaker clause available in some communities allowing you to live full-time in a tiny house on wheels or RV as a caretaker for an elderly or sick person on the same property."

Sean on Jan 2, 2016 10:32 PM

"Thank you, Steve, for your very informative article!"

Cary Siess on Dec 31, 2015 12:37 PM

"I just wanted to say Thank You so much for this post. I've been researching this like crazy and you confirmed my ideas on how to make it work!! Hopefully things will change soon to make it easier. Conveniently for me I will be building a community in Washington! Thanks again."

Mishael Olson on Dec 31, 2015 10:05 AM

"FYI: City of Ocean Shores, WA has zoning for permanent RVs, including park models to be located as permanent dwellings. It works very well, and makes this community as inclusive and diverse a place to live as any I have experienced. You might want to contact the city planner to get more information. As far as I am concerned, and I spent my career in local land use in WA state, this type of zoning should be available in every county and most cities. It is the single most important and successful action that a jurisdiction can take to provide truly affordable housing for people of lower incomes and for retirees on modest to low incomes. Please check it out!"

Julia Gibb on Dec 30, 2015 3:07 PM

"I really enjoyed your article on tiny homes. It was extremely helpful. Thank you!"

Glen DeVries on Dec 30, 2015 2:55 PM

"You say, "...achieving that goal, without sacrificing safety, energy efficiency, or affordability." Therein lies a primary issue. Requirements for increasing energy efficiency, structural safety and fire safety are constantly being upgraded - for good reasons. But each added requirement adds cost, and that reduces affordability. A drafty shack with an outhouse is more "affordable" but not what we want to encourage. Reducing standards for tiny houses can be counter-productive if lower construction costs result in higher long-term costs for energy and maintenance."

Cynthia on Dec 30, 2015 1:55 PM

**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment B  
Sightline Institute, Legalizing the Tiny House**





## LEGALIZING THE TINY HOUSE

Bringing rogue housing in from the cold.



Author: **Alyse Nelson**

On June 27, 2016 at 6:30 am

Tiny houses may be the darlings of the green-living set—with their own [blogs](#), [TV shows](#) and [documentaries](#), and [cottage industry](#) of builders, planners, and consultants.

But they're usually illegal.

Across Cascadia, to pass legal muster, residential structures must comply with one of three sets of rules: building codes, manufactured home codes, or recreational vehicle certification. They also must comply with zoning codes, which dictate not how they're built but where they may stand and how they may be used. In most places, tiny houses run afoul of every one of these sets of rules, and often in several ways. The net effect is to make tiny-house dwellers a band of outlaws.

Removing the legal strictures could quickly provide affordable, sustainable housing choices to thousands of people across Cascadia and beyond, at no cost to public treasuries, in [neighborhoods already provided with urban infrastructure](#) and well served by transit, schools, community centers, libraries, and parks. And some cities, such as Portland, are already working towards policy solutions that will bring tiny houses in from the cold.



Jay Shafer and his Tiny Home by Todd Lappin used under CC BY-NC 2.0



## Tiny houses on foundations: Size matters

In Oregon and Washington local laws specify that permanent homes must be built to one of two standards: the locally or state-adopted building code, typically adapted from [the International Residential Code \(IRC\)](#), or the [US Department of Housing and Urban Development's national standards for manufactured homes](#). Tiny houses have a terribly [hard time fitting these regulations](#), not so much because of the safety and fire protection provisions, as because of things like minimum size and height rules. [The IRC](#), for example, requires that habitable rooms have at least 70 square feet of floor space, and not be less than 7 feet wide and tall. This rules out many tiny home designs.

Though 70 square feet is still a rigid requirement for habitable rooms, it's actually a step in the right direction. In 2015, the [International Code Council reduced this requirement from 120 square feet](#), making building tiny to code much more feasible. Continuing to adapt existing building codes to tiny abodes, or creating a new certification process specific to tiny homes, would be a big step toward unbanning a housing form that's as old as the [shepherd's wagon](#).



Shepherd's Wagon by Irving Rusinow (license)

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## Tiny homes on wheels: You can park it, but don't live there

Many tiny home builders construct these houses on wheel beds, making them more mobile. [Dee Williams](#), a tiny house advocate in Portland, Oregon, and co-founder of [Portland Alternative Dwellings](#), parked her tiny house on wheels (THOW) in a friend's backyard in Olympia and enjoyed not only lower living costs, but also closer connection with her neighbors.

But these wheels present another challenge to legalizing tiny houses, placing them in a regulatory gray zone between standard houses and vehicles. The wheels often lead cities to classify them as recreational vehicles (RVs) rather than houses, which moves them from the frying pan of IRC and HUD into the fire of RV certification—a different fire, as it turns out, in each state.

One hurdle this creates for tiny housers is the problem of parking, since it's illegal to live in an RV full-time outside of an official RV park. This is the case in Portland, Seattle, and Vancouver, British Columbia. Cities are not teeming with RV parks, and what parks do exist are often far from amenities like public transportation and commercial services. For example, inside city limits, Seattle has only two mobile-home parks where you can live full-time in an RV or camper.

This paucity of legal parking places leads many THOW dwellers to take their chances and defy regulation. THOWs parked in the backyards of friends or family members, or even on property by themselves, likely stay there without official permission. Many tiny housers accept this precarious living situation, relying on the fact that these codes are not typically proactively enforced. Online tiny house advocacy groups encourage prospective tenants to get to know their neighbors and make sure they're happy, because code enforcers are unlikely to knock on the door unless they receive a complaint. Regardless of these precautions, sooner or later, many tiny houses are forced to move or lose their wheels and find a foundation.

## Tiny houses on wheels: Permitting predicaments

Tiny houses on wheels have developed a big do-it-yourself culture, with tiny house hopefuls wanting to take a major hand in the design and construction of their future dwellings. Unfortunately, it's very difficult to get RV certification without a professional dealer, something inaccessible to most DIYers.

In a step forward, Oregon and Washington (see Washington's official self-certification code [here](#)) have both instituted certification processes for self-built RVs, making permitting for DIY THOWs a possibility. The American Tiny House Association has also created [construction guidelines](#) to assist DIYers in building their homes to recreational vehicle codes, but even these don't guarantee certification as an RV.

In Portland, Eli Spevak of Orange Splot is working to use the city's property maintenance code to create a broader legal path for THOWs. The code applies to existing structures, allowing them to be considered habitable even if they don't meet current building codes. Spevak argues that since THOWs meet performance standards outlined in local building, zoning, property maintenance, and landlord-tenant rules, they should be permissible so long as they undergo annual inspection.

In 2015, Fresno, California, became the first large city in the United States to define and allow tiny houses, including those on wheels, in its local codes, making it a model for other communities looking to create paths for tiny houses on wheels. Still, Fresno's rules are quite prescriptive. A tiny house on wheels must:

- be built to RV standards,
- be highway legal,
- be capable of being towed,

be unable to move under its own power,  
look like a conventional house,  
have at least 100, but no more than 440, square feet, including a  
kitchen,  
bathroom, and  
sleeping space, and  
comply with owner-occupancy restrictions.

Though most of these code requirements accommodate THOWs as they are now typically built, they could limit future innovation.

SIGN UP FOR SIGHTLINE'S SUSTAINABILITY NEWSLETTER HERE.

## Zoning out tiny, by lot, by style, or by occupancy limit

Although the fact that most cities call THOWs campers is probably the single largest barrier to tiny living, local zoning ordinances also clamp down on tiny. Assuming you've built a tiny house to building code and want to set it on a foundation in the backyard of an existing single-family home to save on land costs, your next challenge would be zoning codes. Your best bet would be to find a city that allows Detached Accessory Dwelling Units (DADUs), or laneway houses, as they are called in Canada. DADU regulations allow a second unit on a single lot, something often prohibited.





Even then, many tiny houses may not find relief in DADU-friendly neighborhoods. Vancouver, British Columbia, has some of the most forward-thinking and flexible DADU regulations in Cascadia. But there, too, city **regulations require laneway homes be at least 280 square feet**, which is larger than most tiny houses.

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Other zoning restrictions also hamper tiny houses in single-family neighborhoods. Many communities require DADUs to match the exterior design of the single-family home where they are sited. This means matching things like roof pitch, window style, and exterior material, all requirements that add to the cost of building tiny without improving functionality or safety. Portland made tiny home progress recently by relaxing **its design standards for DADUs less than 15 feet tall**.

Finally, occupancy limits **restrict the number of unrelated individuals who can live in one house**, no matter how large it is. In Vancouver, BC, only five unrelated people may legally share a home, six in Portland, and eight in Seattle. While Vancouver allows ADUs their own occupancy limit, Portland and Seattle require that the **maximum occupancy be shared between the primary house and DADU**.

Tiny home communities, where multiple tiny homes share a lot, bump up against several of these zoning restrictions, as existing categories have yet to accommodate this new way of living. Single-family zones that allow DADUs usually only allow one such additional unit per lot, outlawing community living. Conversely, multi-family-zoned properties typically come with minimum density requirements as they anticipate apartments, not a handful of tiny houses. As a result, these communities rest in their own legal gray zone, waiting for outdated zoning definitions to catch up.

Lina Menard, a tiny house dweller in **Portland's Simply Home tiny cohousing community**, experienced firsthand how occupancy and zoning requirements could



Lina Menard's Tiny House by Jason Wilson used under CC BY-SA 2.0

quash her community. After Lina and her neighbors bought property in Portland, they went to the City to figure out how to live legally on their new land. The residential lot has an approximately 1,400 square foot single-family home, a garage, and three tiny houses on wheels in the backyard. The City's zoning department worked with the community to clarify what was happening on the Simply Home Community lot. The community describes its [permitting interaction with the City on its FAQ page](#):

*"Let me get this straight. You have 6 unrelated people who share a big house and some of them park their vehicles on the property?" And when we said, "Well, sort of..." They winked and said, "Right?!" And we said, "Yes, that's exactly what we're doing!" So with a wink and a nod, they helped us figure out that we are basically sharing a house and a yard. Which we are.*

Though Portland's willingness to find a work-around for the Simply Home residents is laudable, it cannot be anticipated in other communities. Further, many potential tiny home dwellers may find a wink and a nod an uncomfortable resolution when they are seeking long-term housing security. Until cities amend their zoning codes to clearly allow tiny homes of all sorts in residential communities, including communal living situations, living tiny will remain an uncertain proposition.

## A future for tiny?

[Cascadia is teeming with single-family houses.](#)

Portland and Seattle's residential zoning is predominantly single-family, with 42 (see [page 46](#)) and 54 percent of each city covered by single-family residential zoning, respectively. Statewide, Oregon and Washington's housing stock is over two-thirds single-family houses. In British Columbia, nearly half of all homes are single-family.

***Cities in Cascadia can embrace tiny living as one small piece of our housing future.***



All three jurisdictions would benefit from more housing variety, including multifamily apartments, townhouses, and mixed-use buildings. They would also gain from integrating more housing into the existing single-family neighborhoods that dominate the region's cities and towns. These small dwellings can [increase density in existing neighborhoods](#) without changing the look and feel of the community.

A growing community of tiny house enthusiasts is devoting itself to taking on tiny house challenges. Advocates such as Eli Spevak and Dee Williams are working to find new legal pathways for tiny houses. And organizations such as the American Tiny House Association provide educational resources for tiny house hopefuls.

Whatever the path, cities in Cascadia can embrace tiny living as one small piece of our housing future.

LIKE WHAT YOU'RE READING? SEE EVEN MORE TINY HOMES HERE.

**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment C  
American Planning Association,  
PAS Quick Notes 68: Making Space for Tiny Houses**

# QUICKNOTES

## Making Space for Tiny Houses

"Tiny houses" are attracting a lot of attention through social media, television shows, documentaries, and stories in the popular press. Advocates often tout the affordability and environmental friendliness of living in very small homes. Meanwhile, skeptics and detractors see a passing fad and caution against embracing tiny houses as a distinct type of dwelling. Currently, many cities and counties have provisions in their land-use and development regulations that make legal development and occupation of tiny houses difficult or impossible. However, a small number of communities have made changes to their codes to explicitly permit tiny-house living.

### Background

While there is no official definition, many planners, policy experts, and advocates consider any single-family dwelling with 400 square feet or less of floor area to be a *tiny house*. In some contexts, commentators only apply the label *tiny house* to very small site- or factory-built dwellings attached to permanent foundations. However, other commentators reserve the term for chassis-mounted mobile homes, which may or may not be built to U.S. Department of Housing and Urban Development standards for manufactured housing (24 CFR §3280) or to the Recreational Vehicle Industry Association's standards for "park model" recreational vehicles (ANSI A119.5).

In many places, property owners and residents are interested in both foundation-attached and chassis-mounted tiny houses as principal or accessory dwelling units. In some cities and counties, there is also a growing interest in tiny-home communities, where multiple foundation-attached or chassis-mounted tiny houses are sited on fee-simple subdivided lots, a condominium lot, or lease lots.

Regardless of the type of tiny house, there are several potential individual and collective benefits associated with tiny-house living; however, there has been little research to date on the actual community impacts of tiny houses. Meanwhile, state and local building codes, as well as local subdivision and zoning ordinances, often pose barriers to siting and occupying tiny houses.

### The Case for Tiny-house Living

When considering homes constructed with similar materials and sited in similar locations, the smaller the home the cheaper and more efficient it is to heat, cool, and provide with electricity and water services. The same rule applies to the cost of the home itself. Chassis-mounted tiny houses are easier to move than site-built homes, and buyers can typically purchase them separate from land. This makes them attractive to people interested in traveling with their home and has the potential to create ownership opportunities for those who can't afford a conventional site-built home.

Many planners and housing policy experts see accessory tiny houses as a viable strategy for providing semi-independent housing for aging family members. In this scenario, tiny houses may be temporary or permanent and may include medical monitoring equipment. Beyond this, many housing and homelessness policy experts are interested in exploring the potential of tiny home communities as an alternative to temporary shelters or informal encampments for individuals experiencing homelessness. For example, Dignity Village in Portland, Oregon, has provided transitional housing in the form of a tiny house community since 2001 ([dignityvillage.org](http://dignityvillage.org)).

Notwithstanding the potential benefits above, tiny houses do not enjoy universal support. In some communities, tiny-house residents have earned a reputation as scofflaws by "flying under the radar" of local building and zoning code enforcement. In other communities, there is a general concern about welcoming tiny houses without carefully assessing their likely impacts on public health, safety, and welfare.

Tammy ("Tiny House, Portland," Wikimedia, CC-BY-2.0)



A chassis-mounted tiny house in  
Portland, Oregon.



**American Planning Association**

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## Remove Unintentional Barriers

For cities and counties interested in supporting tiny-house living, it is important to take a close look at the effects of current building, subdivision, and zoning requirements on opportunities to site and occupy tiny houses. The most common regulatory barriers are state or local building code provisions that stipulate the minimum amount of habitable space per person for different types of residences, local zoning provisions that stipulate minimum unit sizes, and local zoning provisions establishing minimum lot area per unit and off-street parking requirements. Beyond this, many cities and counties classify chassis-mounted tiny houses as recreational vehicles and not dwelling units at all.

In some localities, minimum unit size or habitable space requirements and general prohibitions on camping outside of designated campgrounds or recreational vehicle parks effectively prohibit all tiny houses. In others, development standards can make tiny housing cost prohibitive.

Each of these potential barriers to tiny-house living may be wholly consistent with local policy objectives. If this not the case, consider opportunities to revise local building, subdivision, or zoning codes to remove unintentional barriers to siting and occupying tiny houses. This may be as simple as eliminating off-street parking requirements for accessory dwelling units or minimum unit size standards that exceed minimum habitable space requirements in the latest version of the International Building Code.

## Identify Appropriate Locations

Not all types of tiny houses are appropriate for all community contexts. Some cities and counties may be content to see tiny houses on permanent foundations comingled with conventional site-built housing. Others may prefer to limit tiny houses to tiny-home communities or recreational vehicle parks.

In contexts where it is important to differentiate between tiny houses and other types of dwelling units (or recreational vehicles), cities and counties should consider defining tiny-house living as one or more distinct types of land uses and adding these land uses to tables or lists of permitted uses by zoning district.

## Mitigate Potential Impacts

In some contexts, zoning district development standards may either be inappropriate for tiny house development or insufficient to ensure neighborhood compatibility. In these cases, cities and counties should consider adopting use-specific standards to minimize the potential for incompatible development.

For example, Fresno, California, permits chassis-mounted tiny houses as a type of accessory dwelling unit, subject to use-specific standards addressing design, minimum lot size, units per lot, unit size, lot coverage, setbacks, entrances, space between buildings, unit height, openings, access, parking, mechanical equipment, utility meters/addressing, home occupations, airport compatibility, and owner occupancy (§15-2754). Meanwhile, Bemidji, Minnesota, permits “tiny house subdivisions” as planned unit developments, subject to standards addressing location, density, ownership structure, structural independence, lot size, setbacks, open space, design review, and utilities (§1101.F).

## Conclusions

The aging of the U.S. population, the continued growth in the percentage of single-person households, and the demand for a wider range of housing choices in communities across the country is fueling interest in new forms of residential development, including tiny houses. While many cities and counties can accommodate very small, site-built homes under their existing building, subdivision, and zoning codes, many others have development regulations that make factory-built or chassis-mounted tiny houses impractical or impossible to site and occupy. Once a city or county has identified a desire to make space for tiny houses, it’s important to remove unintentional regulatory barriers, identify suitable locations, and consider adopting use-specific standards for tiny-house living.

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## FURTHER READING

### 1. Published by the American Planning Association

Elliott, Donald L., and Peter Sullivan. 2015. “Tiny Houses and the Not-So-Tiny Questions They Raise.” *Zoning Practice*, November. Available at [planning.org/zoningpractice](http://planning.org/zoningpractice).

Wyatt, Anne. 2016. “Tiny Houses: Niche or Noteworthy?” *Planning*, February. Available at [planning.org/planning/2016/feb/tinyhouses.htm](http://planning.org/planning/2016/feb/tinyhouses.htm).

### 2. Other Resources

Vail, Katherine. 2016. “Saving the American Dream: The Legalization of the Tiny House Movement.” *University of Louisville Law Review*, 54: 354–379. Available at [tinyurl.com/nyxfqbj](http://tinyurl.com/nyxfqbj).

Watson, Jayna. 2017. “Do Tiny Houses Fit in Your Community?” *Western Planner*, February. Available at [tinyurl.com/m8hd2yx](http://tinyurl.com/m8hd2yx).



**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment D  
Cowlitz County Municipal Code, Chapter 18.44**

## Chapter 18.44 TEMPORARY DWELLING PERMIT CODE

### Sections:

- [18.44.010](#) Title.
- [18.44.020](#) Purpose.
- [18.44.030](#) Temporary dwellings authorized.
- [18.44.040](#) Temporary dwellings – Conditions.
- [18.44.050](#) Temporary dwellings – Permits.
- [18.44.060](#) Permit termination and renewal.
- [18.44.070](#) Appeals.
- [18.44.075](#) Violations – Penalties.
- [18.44.080](#) Severability.
- [18.44.090](#) Effective date.

### **18.44.010 Title.**

This chapter may be cited as the “Cowlitz County Temporary Dwelling Permit Code.” [Ord. 6473, 1-7-80.]

### **18.44.020 Purpose.**

The Board of County Commissioners deems it necessary to provide for the approval of temporary dwellings on lots already occupied by principal dwellings in order to satisfy certain personal hardships or needs of the rural and agricultural community without necessitating platting or short platting. Because such hardships or needs are personal and generally transitory, the approval of temporary dwellings shall not constitute a long-term land use commitment which may conflict with the Comprehensive Plan and implementing regulations.

This chapter identifies appropriate cases of hardship or need, provides criteria and a process for evaluating applications, and imposes minimum conditions on the establishment and maintenance of temporary dwellings. [Ord. 6473, 1-7-80.]

### **18.44.030 Temporary dwellings authorized.**

Subject to the conditions and upon issuance of the permit provided for in this chapter, one or more temporary dwellings may be established and maintained on a lot, tract or parcel already occupied by a principal dwelling for use only by one of the following:

- A. A person who is to receive from or administer to a resident of the principal dwelling continuous care and assistance necessitated by advanced age or infirmity; or
- B. A caretaker, hired hand or other similar employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises. [Ord. 6473, 1-7-80.]

### **18.44.040 Temporary dwellings – Conditions.**

Temporary dwellings authorized in this chapter, shall be subject to the following minimum conditions:

- A. A temporary dwelling permit as provided for by this chapter shall be obtained for all temporary dwellings to be placed on a lot, tract or parcel for more than 30 days;
- B. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located thereon in such manner, as to enable compliance with applicable Comprehensive Plan, zoning, health, building code, and fire code regulations except density requirements;

- C. The temporary dwelling shall be designed, constructed and maintained in a manner which will facilitate its removal on the termination of the permit. Temporary dwelling includes but is not limited to a mobile home, motor home, travel trailer or camper not attached to a motor vehicle;
- D. A current vehicular license if applicable, shall be maintained on the temporary dwelling;
- E. No more than one temporary dwelling per lot, tract or parcel shall be authorized under this chapter if the primary dwelling is a mobile home, unless approved by the Board of Adjustment;
- F. No rent or other remuneration is paid for the occupancy of the temporary dwelling;
- G. There are no anticipated adverse impacts on the neighborhood;
- H. The public health, safety, and general welfare will not be adversely affected;
- I. There are no reasonable alternatives to the establishment of a temporary dwelling. [Ord. 6473, 1-7-80.]

#### **18.44.050 Temporary dwellings – Permits.**

A. Applications for temporary dwelling permits shall be submitted to the Department of Building and Planning on forms provided by the county and shall be accompanied by a processing fee established for a mobile home placement permit, and shall include:

1. A site plan showing the size and boundaries of the lot, tract or parcel, the location of all existing buildings, and the proposed location of the temporary dwelling;
2. A description of the proposed temporary dwelling;
3. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;
4. A notarized statement signed by the applicant setting forth the facts which specify the need for the temporary dwelling; provided, that if the applicant is relying upon CCC [18.44.030\(A\)](#), a letter from a medical doctor establishing the need for continuous care and assistance shall also be submitted. The statement must also indicate facts showing that there are no reasonable alternatives to the establishment of a temporary dwelling.

B. A permit for a single temporary dwelling may be issued by the Department of Building and Planning upon a finding that all the conditions of this chapter have been met. The issuance of a permit for an additional temporary dwelling on a site already occupied by one or more temporary dwellings shall be reviewed and approved by the Board of Adjustment. [Ord. 6473, 1-7-80.]

#### **18.44.060 Permit termination and renewal.**

A. A temporary dwelling permit issued pursuant to this chapter shall be valid for one year or until the termination of the conditions authorizing the temporary dwelling, whichever shall occur first.

B. A temporary dwelling permit may be renewed within 60 days from the date of expiration by filing a notarized statement showing the conditions authorizing the temporary dwelling still exist and setting forth any changes to the information previously furnished. Said permit shall be renewed unless the Department of Building and Planning finds that the conditions authorizing the permit have changed or that the temporary dwelling no longer meets the requirements set forth in this chapter.

C. A temporary dwelling permit issued pursuant to this chapter may be canceled or revoked at any time by the Hearing Examiner, if appointed pursuant to CCC [18.10.340](#), as amended, if it is found by the Hearing Examiner at

a public hearing called for the purpose of considering such cancellation or revocation that:

1. Any of the conditions upon issuance of the permit as set forth in this chapter have not been complied with;  
or
2. The conditions authorizing the permit have changed.

D. Upon termination of the temporary dwelling permit, occupancy shall cease immediately and the temporary dwelling shall be removed. [Ord. 95-193, § 34, 12-4-95; Ord. 6473, 1-7-80.]

#### **18.44.070 Appeals.**

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A. A person aggrieved by the granting or denial of a temporary dwelling permit may appeal the Department's decision to the Hearing Examiner, appointed pursuant to CCC [18.10.340](#), as amended, within 20 calendar days. Any such appeal shall be filed in writing, along with the appropriate fee, with the Department of Building and Planning within 20 calendar days of the issuance of the decision. The appeal shall specify the reasons therefor. The Director shall provide the Hearing Examiner with findings and documentation relating to the decision being appealed. The Hearing Examiner, following a de novo hearing, shall affirm, modify or reverse the decision. The appellant carries the burden of proof on appeal.

Upon the filing of an appeal with appropriate fee, the Director shall set the public hearing before the Hearing Examiner. If the appeal is filed 20 calendar days or more before the Hearing Examiner's regularly scheduled monthly meeting, he/she shall hear the appeal at that meeting as set by the Director. For appeals filed within 19 calendar days of the regularly scheduled monthly meeting, the Hearing Examiner shall hear the appeal in the subsequent month.

Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with said notice not less than 10 calendar days prior to the public hearing.

Within 10 calendar days after the public hearing, the Hearing Examiner shall issue a written decision, including findings of fact on which its decision is based. Such written decision shall be available to the appellant and the public upon request.

B. Fees for appeals of the Department's decision shall be from time to time established by resolution by the Board of County Commissioners.

C. Appeals of the Hearing Examiner decision shall be to a court of competent jurisdiction, pursuant to the Land Use Petition Act, Chapter 347, Washington Laws, 1995. [Ord. 95-193, § 35, 12-4-95; Ord. 95-033, § 1, 3-13-95; Ord. 6473, 1-7-80.]

#### **18.44.075 Violations – Penalties.**

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter [2.06](#) CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter. [Ord. 93-102, § 29, 7-6-93.]

#### **18.44.080 Severability.**

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Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof other than that so declared to be invalid. [Ord. 6473, 1-7-80.]

**18.44.090 Effective date.**

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This ordinance shall become effective immediately upon adoption. [Ord. 6473, 1-7-80.]

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**The Cowlitz County Code is current through Ordinance 17-062, passed July 18, 2017.**

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

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**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment E  
Clark County Municipal Code, Section 40.260.210**

### 40.260.210 Temporary Dwellings

- A. Authorized – Hardship. Subject to the conditions and upon the issuance of the permit provided for herein, one (1) or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already occupied by one (1) or more principal dwellings, for use by one (1) of the following:
1. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and assistance necessitated by advanced age or infirmity, the need for which is documented by a physician's medical statement; or
  2. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises; or
  3. Relatives over sixty-two (62) years of age with an adjusted household gross income, as defined on IRS Form 1040 or its equivalent, which is at or below fifty percent (50%) of the median family income for Clark County (as adjusted), who are related by blood or marriage to a resident of the principal dwelling;
  4. Within the forest and agricultural districts (Section [40.210.010](#)) only:
    - a. Relatives; or
    - b. A purchaser of the lot, tract, or parcel if a seller who is at least sixty (60) years of age has retained a life estate to occupy the principal dwelling as a primary residence.

*(Amended: Ord. 2017-07-04)*

- B. Conditions. Temporary dwellings authorized herein shall be subject to the following minimum conditions:
1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this section; provided, that:
    - a. One (1) temporary dwelling may be approved for each authorized permanent dwelling, if the tract or parcel of which it is a part is either:
      - (1) One (1) acre or larger in size; or
      - (2) Able to comply with the residential density standards for the applicable zoning district with the addition of the temporary dwelling(s). For example, the addition of one (1) temporary dwelling on a ten thousand (10,000) square foot lot in the R1-5 zoning district with one (1) existing dwelling.
    - b. Within the agriculture and forest districts (FR-80, FR-40, AG-20):
      - (1) The additional dwelling(s) private well and septic system shall be located where they will minimize adverse impacts on resource land;
      - (2) If practical, the temporary dwelling shall be located within two hundred (200) feet of the principal dwelling.

- c. The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists; provided, that the additional dwelling authorized by Section [40.260.210\(A\)\(4\)\(b\)](#) need not be a temporary structure if the declaration required by Section [40.260.210\(C\)\(1\)\(e\)](#) includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate.
2. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.
3. No more than one (1) temporary dwelling shall be authorized under this chapter if the primary dwelling is a mobile home.
4. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision requirements.

*(Amended: Ord. 2016-06-12; Ord. 2017-07-04)*

#### C. Permits.

1. Applications for a single temporary dwelling permit shall be subject to a Type I review process pursuant to Section [40.510.010](#). Applications shall be accompanied by a processing fee established for mobile home placement permit, and shall include:
  - a. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing buildings; and the proposed location of the temporary dwelling;
  - b. A description of the proposed temporary dwelling;
  - c. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;
  - d. Statement signed by the applicant describing the hardship or need; provided, that if the applicant is relying upon Section [40.260.210\(A\)\(1\)](#), a letter from a medical doctor verifying the need for continuous care and assistance shall also be submitted;
  - e. A declaration to be filed with the County Auditor upon approval of the application setting forth the temporary nature of the dwelling.
2. Applications seeking approval for two (2) or more temporary dwellings on the same lot, tract or parcel are subject to conditional use permit approval as set forth in Section [40.520.030](#).
3. A temporary dwelling permit shall be valid for two (2) years, and may be renewed by the issuing body for successive two (2) year periods upon written substantiation by the applicant to the continuing hardship or need justification. Upon the expiration of the two (2) year period, or at the end of each successive two (2) year period(s), if granted, the applicant shall notify the responsible official



in writing that the temporary dwelling has been removed and, further, said notice shall include a request for an inspection to determine that the temporary dwelling has, in fact, been removed in compliance with the permit.

D. Revocation.

In addition to any other remedies provided for by law, violation of permit conditions, standards of this chapter, or other applicable land use requirements, including the provisions of Chapter [9.24](#) of the Clark County Code, shall constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered following a public hearing by the Hearing Examiner, whose decision shall be final unless a timely appeal is filed with the Superior Court.

*(Amended: Ord. 2009-10-19)*

Compile Chapter

**The Clark County Code is current through Ordinance 2017-08-09, passed August 22, 2017.**

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

County Website: <http://www.clark.wa.gov/>  
(<http://www.clark.wa.gov/>)  
County Telephone: (360) 397-2232  
Code Publishing Company  
(<http://www.codepublishing.com/>)

**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment F  
City of Ocean Shores Municipal Code, Chapter 15.12**

## Chapter 15.12 TEMPORARY HOUSING

### Sections:

- [15.12.010](#) Definitions.
- [15.12.020](#) Recreational vehicle use as temporary living quarters on an undeveloped lot—Conditions.
- [15.12.025](#) Recreational vehicle use as temporary living quarters on a developed lot—Conditions.
- [15.12.030](#) Use as living quarters during construction.
- [15.12.040](#) Violation—Penalties.
- [15.12.050](#) Temporary structure—Residence.

### **15.12.010 Definitions.**

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#### A. For the uses and purposes herein, a recreational vehicle is defined as follows:

1. Any motorized vehicle designed primarily for camping or temporary living of any kind;
2. Any nonmotorized vehicle or trailer which has one or more wheels and which is primarily designed for camping or other temporary living;
3. Any camper or other unit not a vehicle or trailer itself which is primarily designed to be attached to a vehicle or trailer as described above, for camping or other temporary living purposes;
4. The above definitions shall include but not be limited to motor homes, boats and boat trailers, camping trailers, tent trailers and pickup camping units, all of which may be of any size or description.

#### B. Developed and undeveloped lots shall be defined as follows:

1. Developed Lot. A developed lot is a lot containing a permitted dwelling (Section [17.04.175](#)) intended for housing but excluding nonaccessory structures (Section [17.04.371](#)) such as sheds.
2. Undeveloped Lot. An undeveloped lot is a lot with or without improvements such as a shed, power, water, sewer, but without a permitted dwelling (Section [17.04.175](#)).

(Ord. 940 § 1 (part), 2014: Ord. 647 § 4 (part), 1998: Ord. 150 § 1, 1974)

### **15.12.020 Recreational vehicle use as temporary living quarters on an undeveloped lot— Conditions.**

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Unless otherwise authorized by this code, a recreational vehicle may be parked on an undeveloped lot (regardless of the number of lots owned) for a maximum of ninety cumulative days in any one calendar year. The above-described use may occur only under the following conditions:

- A. All zoning requirements must be met, and all recreational vehicles must be placed on the lot in accordance with R-1 zoning setback standards, and waterfront setback standards, if applicable.
- B. The recreational vehicle may only be used on property owned by the operator of the recreational vehicle, or by another person if the owner of the property has given written permission for such other person's use. Use by other persons shall count against the owner's ninety-day cumulative total. The time limits authorized by this chapter may not be increased by moving the recreational vehicle to a different lot during the same calendar year. No undeveloped lot may be leased or rented to another person.
- C. The operator must obtain a camping permit from the police department or other designated city officer prior to each placement. The mayor is empowered to establish rules and regulations governing the issuance of such

permits and to provide for a permit fee sufficient to cover estimated expenses incurred.

D. The recreational vehicle must be self-contained or hooked up to an approved sanitary system. Porta-potties do not meet this requirement.

E. The camping permit must be posted at the street property line next to the driveway.

F. Any time a recreational vehicle is parked on a lot after ten p.m., as permitted herein, it is presumed to be used as living quarters regardless of its occupancy, and each day shall be counted toward the maximum period authorized by this chapter.

G. Up to two recreational vehicles may be used per undeveloped lot. Any recreational vehicles which exceed that number may be approved at the sole discretion of the mayor or designee, on a once-a-year basis, for a maximum period of seven days, provided the excess recreational vehicles meet R-1 zoning setback standards, and waterfront setback standards, if applicable. Upon a showing of exceptional circumstances, the mayor or designee shall also be empowered to extend the term of a camping permit.

H. Tent camping will not be allowed, except in conjunction with a self-contained recreational vehicle, or a recreational vehicle hooked up to an approved sanitary system. Tents may not exceed one hundred square feet, and only one tent per recreational vehicle shall be allowed, not to exceed two tents per lot.

I. Up to two recreational vehicles may be placed as noted above on private real property, not owned by the city, with or without a primary structure, for use as security quarters. This placement must be in conjunction with an approved special event. The mayor or designee must approve this placement.

J. The mayor or designee is authorized to allow the use of recreational vehicles on real property owned by the city, at his/her sole discretion.

(Ord. 940 § 1 (part), 2014: Ord. 691 § 1, 2000: Ord. 647 § 4 (part), 1998: Ord. 515 § 1, 1991: Ord. 510 § 1, 1990: Ord. 150 § 2, 1974)

### **15.12.025 Recreational vehicle use as temporary living quarters on a developed lot—**

#### **Conditions.**

The intent of this code is to manage the use of recreational vehicle camping on developed lots within the city limits zoned for residential (R-zones). Outdoor storage of recreational vehicles in association with a residential use is identified in Section [17.50.200](#). Unless otherwise authorized by this code, a recreational vehicle may only be used as temporary living quarters on a developed lot (regardless of the number of lots owned) for a maximum of ten consecutive days and thirty cumulative days in any one calendar year. The above-described use may occur only under the following conditions:

A. All zoning requirements must be met, and all recreational vehicles must be placed on the lot in accordance with R-1 zoning setback standards, and waterfront setback standards, if applicable.

B. The recreational vehicle may only be used on property owned by the operator of the recreational vehicle, or by another person if the owner of the property has given written permission for such other person's use. Use by other persons shall count against the owner's thirty-day cumulative total. The time limits authorized by this chapter may not be increased by moving the recreational vehicle to a different lot during the same calendar year.

C. No recreational vehicle on a developed lot may be leased or rented to another person.

D. The operator must obtain a camping permit from the police department or other designated city officer prior to each placement. The mayor is empowered to establish rules and regulations governing the issuance of such permits and to provide for a permit fee sufficient to cover estimated expenses incurred.

- E. The recreational vehicle must be self-contained or hooked up to an approved sanitary system. Porta-potties do not meet this requirement.
- F. During the time a recreational vehicle is being occupied as temporary living quarters, the camping permit must be posted at the street property line next to the driveway.
- G. Two recreational vehicles may be used per developed lot, at any one time regardless of zoning designation or multifamily complex. Additional recreational vehicles may be approved at the sole discretion of the mayor or designee, on a once-a-year basis, for a maximum period of ten days, provided the excess recreational vehicles meet R-1 zoning setback standards, and waterfront setback standards, if applicable. Upon a showing of exceptional circumstances, the mayor or designee shall also be empowered to extend the term of a camping permit.
- H. Tent camping will not be allowed, except in conjunction with a self-contained recreational vehicle, or a recreational vehicle hooked up to an approved sanitary system. Tents may not exceed one hundred square feet, and only one tent per recreational vehicle shall be allowed.
- I. A property owner may use a personal recreational vehicle on their property during emergency conditions as temporary living quarters for a maximum of thirty days without counting against the normal thirty days. All other conditions apply and a permit is required.

(Ord. 940 § 1 (part), 2014)

#### **15.12.030 Use as living quarters during construction.**

The mayor or designee shall be authorized to issue permits for the occupancy of a recreational vehicle as temporary living quarters for a period up to six months under the following conditions:

- A. All of the conditions of Section [15.12.020](#), not in conflict herewith, have been satisfied;
- B. The applicant has obtained an Ocean Shores building permit to construct a residence on the lot where the recreational vehicle is to be located;
- C. The intent of the permit is to allow the applicant to reside in the recreational vehicle pending the completion of his residence and no longer;
- D. Any permit granted pursuant to this section may be revoked by the mayor or designee whenever it appears that substantial progress is not being made in the construction of the residence; and
- E. Under no circumstances shall more than one permit under this section be given to any party.

(Ord. 940 § 1 (part), 2014; Ord. 647 § 4 (part), 1998; Ord. 510 § 2, 1990; Ord. 150 § 3, 1974)

#### **15.12.040 Violation—Penalties.**

Any violation of Sections [15.12.010](#) through [15.12.030](#) shall be a civil infraction. Each day the violation continues shall be a separate infraction.

- A. The first violation of Sections [15.12.010](#) through [15.12.030](#) is a Class 3 civil infraction, with a maximum penalty of fifty dollars, plus statutory assessments.
- B. The second violation of Sections [15.12.010](#) through [15.12.030](#) is a Class 2 civil infraction, with a maximum penalty of one hundred twenty-five dollars, plus statutory assessments.

C. The third violation of Sections [15.12.010](#) through [15.12.030](#) is a Class 1 civil infraction, with a maximum penalty of two hundred fifty dollars, plus statutory assessments.

D. Any and all subsequent violations of Sections [15.12.010](#) through [15.12.030](#) shall be treated as Class B offenses as defined in Section [7.01.050](#) of this code.

(Ord. 940 § 1 (part), 2014: Ord. 763 § 9, 2003: Ord. 691 § 2, 2000: Ord. 647 § 4 (part), 1998: Ord. 150 § 4, 1974)

#### **15.12.050 Temporary structure—Residence.**

No structure of a temporary character, nor any trailer, basement, tent, shack, garage, barn or any other outbuilding shall be used on any lot at any time as a permanent residence, except under a temporary written permit, for more than one year when granted by the building division. (Ord. 940 § 1 (part), 2014: Ord. 647 § 4 (part), 1998: Ord. 70 § 13, 1972)

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#### **The Ocean Shores Municipal Code is current through Ordinance 1003, passed July 24, 2017.**

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

City Website: <http://www.osgov.com/> (<http://www.osgov.com/>)

City Telephone: (360) 289-2488

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**Memorandum on Recreational Vehicles and  
Tiny Homes as Temporary Dwellings  
Skamania County, WA**

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**Attachment G  
City of Fresno Municipal Code, Section 15-2754**

SEC. 15-2754. - SECOND DWELLING UNITS, BACKYARD COTTAGES, AND ACCESSORY LIVING QUARTERS.

A.

Purpose. The purpose of this section is to:

1.

Maintain the character of single-family neighborhoods;

2.

Ensure that new units are in harmony with developed neighborhoods; and

3.

Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).

B.

Architectural Compatibility. If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.

C.

District Standards. Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district where single-unit dwellings are permitted or existing. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.

D.

Minimum Lot Sizes.

1.

Second Dwelling Unit. 6,200 square feet.

2.

Backyard Cottage.

a.

Interior Lot Size: 6,000 square feet.

b.



Corner Lot Size: 5,000 square feet.

3.

Accessory Living Quarters. 5,000 square feet.

E.

Type of Unit.

1.

Second Dwelling Unit. May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.

2.

Backyard Cottage. May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.

a.

A Tiny House may be considered a Backyard Cottage if it meets all the requirements of this section.

b.

The Director shall review the design of the Tiny House to insure that the structure is compatible with the main home and the neighborhood.

3.

Accessory Living Quarters. Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an under-counter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.

F.

Maximum Floor Area. The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.

1.

Second Dwelling Units. 1,250 square feet.

2.

Backyard Cottages. 440 square feet.

3.

Accessory Living Quarters. 500 square feet or 30 percent of the primary single-family dwelling, whichever is less.

G.

Development Standards. Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.

H.

Lot Coverage. Per the underlying zone district.

I.

Setbacks. Per the underlying zone district.

J.

Building Entrances. Entrances from an Accessory Living Quarters or a Backyard Cottage shall not be visible from the street, unless the parcel is a corner parcel and the entrance is oriented to the opposite street as the primary residence.

K.

Space Between Buildings. If detached, there shall be a minimum of six feet from the primary residence, or 10 feet if there is an entry from either one of the units into the space between.

L.

Maximum Building Height. Thirty feet.

M.

Openings.

1.

For two story buildings, there shall be no openings, such as windows and doors, within 10 feet from an interior side or a common rear property line with another single-family home.

a.

Clerestory windows, six feet from the floor of the interior of the unit, are excepted.

2.

The Director may grant a waiver, for detached units that are located 10 feet or less from a side or rear property line on walls facing said property lines if he/she finds that there are no substantial privacy, noise, health, safety, or visual impacts to neighbors associated with the location and siting of the detached unit.

N.

Parking. Parking shall comply with the following:

1.

General Parking Conditions.

a.

The parking outlined below shall be provided in addition to the required parking for the primary dwelling.

b.

Parking for the primary unit shall comply with all development standards of the district. If the primary single-unit dwelling was constructed prior to covered parking requirements, a covered space shall not be required of the existing unit.

c.

Required parking for the primary single-family dwelling may not be removed for the creation of any of the three types (e.g., garage conversions), or allocated to meet the parking requirement for the Second Dwelling Unit, unless replacement parking is provided in accordance with this Code.

d.

Any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall also be considered bedrooms for parking purposes.

2.

Second Dwelling Units.

a.

One covered parking space shall be provided for a Second Dwelling Unit with one bedroom.

b.

One additional, covered or uncovered, parking space for two or more bedrooms in the second dwelling unit.

c.

A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.

d.

An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.

3.

Backyard Cottage. No additional parking required.

4.

Accessory Living Quarters. No additional parking required.

O.

Access. Vehicular access shall be provided in the following manner:

1.

Driveways. Shall be provided per the underlying district.

2.

Pedestrian Access. An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.

P.

Mechanical Equipment. Mechanical equipment shall be located on the ground or, in the case of a tiny house on wheels, incorporated into the structure, but shall in no case be located on the roof.

Q.

Utility Meters/Addresses.

1.

Second Dwelling Units. Separate gas and electric meters may be permitted if approved by the Building Official and Pacific Gas & Electric.

2.

Backyard Cottage and Accessory Living Quarters. Separate utility meters and/or addresses are not permitted.

R.

Home Occupations. Home occupations are permitted pursuant to [Section 15-2735](#), Home Occupations.

S.

Airports. All applications shall comply with operative airports plans.

T.

Owner Occupancy Requirements. The following shall apply prior to the issuance of a building permit.

1.

Second Dwelling Unit and Backyard Cottage.

a.

Either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied.

b.

The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

c.

The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.

d.

It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.

2.

Accessory Living Quarters.

a.

The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

b.

The restrictive covenant shall prohibit rental of both units at the same time.

c.

It shall further provide that the Accessory Living Quarter shall not be sold, or title thereto transferred separate and apart from the rest of the property. The covenant shall be recorded prior to the issuance of a building permit.

(Added Ord. 2015-39, § 1, eff. 1-9-16; Am. Ord. 2016-32, § 32, eff. 10-21-16).



# Memo

To: Ethan Spoo, BergerABAM, Sr. Planner, AICP  
From: Eric Eisemann, JD  
Date: April 16, 2018  
Re: Skamania Code, Short Term Vacation Rental

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## I. Introduction

This memorandum addresses Short Term Vacation Rentals (STVR) generally and recommends amendments to the Skamania County Code (SCC) designed to address business opportunities not otherwise addressed by SCC Title 21. This memorandum builds on the Skamania County Code Audit memorandum dated November 29, 2016.

The memorandum does not include a discussion of or recommendations for amendments to Skamania Title 16, Environmental (SEPA); Title 17, Subdivisions; Title 20 Shoreline Management; Title 21A, Critical Areas; or Title 22, Columbia River Gorge National Scenic Area.

The format of this memorandum, as mutually agreed upon, is:

- Introduction
- Summary of Existing Skamania Code
- Research Findings
- Summary of Other Jurisdiction's Codes
- Recommendations

BergerABAM contracted with E<sup>2</sup> Land Use Planning Services (E<sup>2</sup>) to prepare recommendations for amendments to the SCC designed to strengthen the STVR elements of the SCC.

### [What is an STVR?](#)

Short-Term Vacation Rental is not a recent phenomenon; one only needs to think back to the advent of guest cabins, cottages and motels during the Golden Age of automobile tourism. Although this type of tourism lodging remains part of the economic landscape, there has been an explosion of short-term rentals associated with residential dwellings driven, not by the automobile, but by the internet and the advent of Airbnb, Vacasa, VRBO, and similar web sites. A quick web search indicates it is not uncommon for STVRs to proliferate in rural counties next to major metropolitan areas or important recreational places.

To manage the proliferation of STVRs many local jurisdictions have implemented land use control and tax programs. For example, the city of Stevenson, WA imposes a four percent (4%) excise lodging tax on the “sale of

or charge made for the furnishing of lodging” less than 30 days duration.<sup>1</sup> However, the scope of this memorandum, as agreed, is limited to a discussion of land use controls.

A short-term rental, sometimes simply called a vacation rental, has several components<sup>2</sup>:

- Short-term rental is the rental of a furnished dwelling on a temporary basis (often 30 consecutive days or less<sup>3</sup>) to guests as an alternative to a hotel or other traditional temporary accommodations (e.g. Airbnb).
- The paying guest frequently has direct access to a private bathroom.
- The owner may or may not reside in the primary dwelling.
- If the owner does not reside in the house a property local manager might be property caretaker.
- The short-term rental is often viewed as a use exclusively for guest use for the purpose of generating profit for the property owner.
- A variant on the vacation rental is home-sharing wherein a portion of the dwelling (e.g. a bedroom) is rented out and the guests shares the living, kitchen and bathroom space with the property owner.
- Jurisdictions may consider the STVR as an accessory use to a home.

Although the STVR category is broad enough to include such uses as motels, hotels, hostels, B&Bs, and camping cabins, this memorandum concentrates on short term vacation rental of private residences.

## II. Summary of Existing Skamania Code Relating to STVRs

### Definitions

The Skamania County Code, Chapter 21.08.010, defines several terms that are directly related to STVRs:

Accessory use or structure – “means one which is subordinate to the principal use or structure on the lot serving a purpose clearly incidental to the use or structure.”

Camping cabin – means “a small, recreational lodging unit typically found in rural recreational areas. Not intended as a permanent dwelling and may operate seasonally”.<sup>4</sup> Camping Cabins are only allowed in the Swift sub-area in the Mountain Recreational 5, 10 and 20 districts and the Swift Recreational (SR) district. (See SCC 21.68.060 – 21.68.090) Special regulations apply to the replacement or creation of ‘cabins’ in the Northwoods development in the SR district (SCC 21.68.090.A.16 and 17). Chapter 21.70.170, Camping cabin facilities, provides detailed regulations governing a “designed mixture of visitor-oriented accommodations, and recreation uses consistent with the Skamania County comprehensive plan.” (SCC21.170.010.A)

Dwelling unit – means “means a structure, or that part of a structure, which is used as a home, residence, or sleeping place by one family that contains kitchen facilities and sanitary facilities. (Does not include recreational vehicles.)”

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<sup>1</sup> As authorized by RCW 67.28.180 and by Chapter 452, Laws of 1997. See, [https://library.municode.com/wa/stevenson/codes/code\\_of\\_ordinances?nodeId=TIT3REFI\\_CH3.03EXTAFUL\\_O](https://library.municode.com/wa/stevenson/codes/code_of_ordinances?nodeId=TIT3REFI_CH3.03EXTAFUL_O)

<sup>2</sup> See, “Long versus Short-term vacation rentals: Here are the pros and cons”, <https://www.lodgify.com/blog/long-short-term-vacation-rentals/> See, also, <https://www5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2017/10/2017-10-2-PPT.pdf>

<sup>3</sup> Short-term rental" means the rental of a residential unit for less than thirty days (and is not a bed and breakfast). Kirkland, WA, ORDINANCE O-4607, Section 7.02.030, (<http://mrsc.org/getmedia/77ccc272-9c6a-4ea6-a22c-5e072b96230b/k53oO-4607.PDF.aspx>)

<sup>4</sup> The County regulates camping cabin facilities in Section 21.68.120.



Guest house - means “a building that is detached from the single-family dwelling that contains up to two bedrooms and sanitary facilities, but does not contain kitchen facilities.”

Uses (Not defined in SCC 21.08)

Bed and Breakfast (B&B) – is an establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodation, not as rooming or boarding houses.<sup>5</sup> B&Bs are Allowed uses in the West End NC district (SCC 21.67.110.A8) and are not listed in any other zone.

Cottage occupation – is “a business operated within a private residence which does not constitute the principle use of that residence, and which principally employs household members associated with that residence or lot on which said business is located; and produces no outside evidence of such occupation with the exception of accepted signs. Such business may include the production, sale, repair, or service of products produced, manufactured, or assembled on the lot; and/or, provide a service to customers and clients.” (SCC 21.08.010) Cottage occupations are permitted in the zones described in Table 1 below:

Guest Houses, though defined in SCC 21.08, is not a listed use in any of the County’s zoning districts. (The term should be deleted.)

Hotel/Motel/Hostel – SCC 21.08 does not expressly define the terms ‘hotel’, ‘motel’, or ‘hostel’. These uses are typically classified as commercial uses and not allowed in residential zones. A hotel or motel facility offers transient lodging accommodations to the general public and may also provide additional services, such as restaurants and meeting rooms. Hotels, Motels and Hostels are ‘Allowed’ uses in the in the CC zone (SCC 21.48.020.P.i) and the CR zone. (SCC 21.50.020.A) They are not mentioned as an Allowed use, Administrative Review use, Conditional use, Temporary use, or Accessory use in any residential, industrial, or natural resource zone. Because they are not a listed use in the Carson, Northwestern Lake, West End or Swift Interim districts they are presumed to be prohibited uses in these districts.

Short-term vacation rental - While not defined in the code, SCC 21.70.180(B)(8) states, “Either the ADU or the principal unit may be rented, but both may not be rented at the same time. Neither the ADU nor the principal unit shall be used at any time as a short-term vacation rental. A short-term vacation rental is a unit rented out for any period of less than sixty days.” (Emphasis added.)

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<sup>5</sup> See SCC 22.04.B; B&Bs are regulated as a Guest House under the home occupation section of SCC 21.70.040. Many jurisdictions include breakfast service only within the B&B definition.

**Table 1 Cottage Occupations<sup>6</sup>**

Zone	SCC Section	Use Review	Zone	SCC Section	Use Review
R1	21.28.020.G	A	West End RL2	21.67.060.A.7	A
R2	21.32.020.F	A	West End RL5	21.67.070.A.7	A
R5	21.36.020.E	A	West End RL10	21.67.080.A.7	A
R10	21.40.020.E	A	West End FL20	21.67.090.A.10	A
RES-20	21.44.020.H	A	West End NC	21.67.110.A.6	A
FOR/AG 10 & 20	21.56.020.E	A	Swift MR5	21.68.060.A.5	A
Carson HDR	21.65.060.B.3	ARU	Swift MR10	21.68.070.A.5	A
Carson RR	21.65.070.B.2	ARU	Swift MR20	21.68.080.A.5	A
Carson RE	21.65.080.B.2	ARU	Swift S-FL20	21.68.100.A.13	A
Northwestern Lake R2	21.66.050.A.6	A	Swift S-CRL40	21.68.110.A.13	A and P <sup>7</sup>
Northwestern Lake R5	21.66.060.A.6	A			

A = Allowed; ARU = Administrative Review Use; P = Prohibited

SCC Chapter 21.70.040 provides supplemental development and use standards for cottage occupation/light industry uses. A STVR could fit within the definition of a cottage occupation because it is *“a business operated within a private residence which does not constitute the principle use of that residence, and which principally employs household members associated with that residence or lot on which said business is located.”*

### III. STVR Research Findings

The research findings in this memorandum are based on a literature review and review of local land use zoning or development codes in Washington and Oregon. Some communities, particularly those that are tourist oriented, have developed land use regulations that welcome new STVR business opportunities. Other jurisdictions focus more energy on protecting the rights of adjacent property owners and have more restrictive codes. Some jurisdictions facing housing shortages seek to limit the number of STVRs as a way to address affordable housing concerns while other jurisdictions view STVRs as a means to make housing more affordable for the property owner. Some follow the concept of benign neglect and do not address the issue at all. Consequently, there is no one model ordinance that fits all, or even most, jurisdictions.

However, there are several broad concerns on which jurisdictions choose to regulate STVRs:

- 1) Limit the number of days the STVR use is allowed,
- 2) Address neighborhood traffic and parking concerns,
- 3) Respect the right of adjacent property owner for the quiet use and enjoyment of their own property,
- 4) Require a local contact person who is easily accessible and accountable for the activity that occurs during STVR occupancy, and
- 5) Address public safety concerns regarding the transient nature of short-term users.

<sup>6</sup> E<sup>2</sup> developed a table which depicts all lodging uses allowed in each zoning district but concluded the table was too large and unwieldy and that a more concise description of where uses are allowed would be more helpful.

<sup>7</sup> Chapter 21.68.110 does not provide any clarity as to why cottage occupations are both Allowed and Prohibited uses.

Typical zoning regulations reviewed include the following provisions:

- Allow in any residential dwelling in the community or limit STVRs to specific area of jurisdiction
- Require the rental structure to meet base zone development standards
- Establish tiers, usually two: Tier 1 – Owner occupied, limit number of bedrooms rented (usually 2), and prohibit commercial use; Tier 2 – May not be owner occupied, larger number of bedrooms rented, and meetings/weddings, or limited commercial activity might be allowed
- Prohibit or limit use of the facility for large events with amplified sound, in residential zones.
- Level of review is provided in the code and is based on intensity of use: For example, low level intensity of use may only require business license and administrative permit; higher intensity uses such as weddings/meetings or retail activity may require land use review that requires public notice and an opportunity to comment
- Use limitations:
  - Limit the number of rooms which can be rented at one time; one to three rooms rented in one day is a typical limit
  - Limit the number of renters per bedroom.
  - Place a limit of the total number of guests in one day
  - Limit the number of rentals allowed per month
  - Require a floor on the minimum stay, such as, no stay may be less than two consecutive nights. Establish a maximum stay limit; a 30-day limit is a standard rule.
- Requirement to secure a revocable business license and an administrative land use approval with public notice
- Identification of one or more **local** contact persons who will be responsible 24 hours a day for handling any problems that arise with the property and/or require land line for emergency service location
- Satisfy local building regulations (smoke detectors required in all bedrooms)
- Notify adjacent property owners that the service is being offered
- Maintain a guest log of all renters including contact information and vehicle license plate number
- Provide off-street parking, a minimum of one space per unit; require RVs and boat or trailers to be parked on-site
- Prohibit community kitchens
- Prohibit additional construction to accommodate storage
- Outdoor signs larger than four to six square feet in residential zones are usually prohibited
- Provisions made for regular solid waste removal
- Enforcement mechanism to ensure that the temporary lodging use does not become permanent
- Violation of local regulations is a civil infraction and is subject to the civil penalties and remedies and corrective actions

#### IV. Summary of STVR Codes in Other Jurisdictions

E<sup>2</sup> reviewed multiple land use codes around the state of Washington and selected three jurisdictions to review in detail. Like Skamania County, the selected jurisdictions are either primarily rural, attractive to tourists, or a combination of both factors.

##### [Walla Walla, WA \(County\)](#)

Walla Walla County is a large rural county, approximately 1,300 square miles in size, a population less than 60,000 persons, is astride the Columbia River, and has a robust agricultural industry. The county and city of Walla Walla have a strong agricultural tourism focus around the wine industry.

In 2017 the city of Walla Walla banned short-term vacation rentals by absentee owners. In 2018, Walla Walla County authorities began a process to review the County's policies and regulations on STVRs because of concerns about how Walla Walla city's ban would affect county homes and businesses.<sup>8</sup> The questions County authorities are trying to resolve now are:

- Whether to allow STVRs as an accessory use in residences,
- Whether to require owner occupancy,
- How to ensure the use is "clearly incidental" to the permitted use,
- How to ensure the use will not create a nuisance or hazard if permitted. (WWCC 17.16.014.A.3)

In addition to regulating commercial hotels and motels, the city of Walla Walla regulates two types of STVRs:

**Bed and Breakfast Guesthouses** - In Walla Walla county bed and breakfast guesthouses are the primary type of STVR. The county defines a "bed and breakfast guesthouse" as "*an establishment located in a primary dwelling unit or accessory building providing overnight accommodations and food services to transients for compensation or utilized by the owner or operator as short-term lodging for travelers and transient guests.*" (WWCC 17.08.074) A B&B Guesthouse: (a) must be owner occupied, (b) may not have more than 10 bedrooms, (c) places a 30-day maximum stay limit, (d) requires on-site parking for each guest room, (e) limits food service, and (f) regulates the size of signs. There are three tiers of B&Bs in Walla Walla County: Type 1 B&Bs must be located in the primary dwelling; Type 2 B&Bs may use one or more accessory buildings; and Type III B&Bs must be located in the primary dwelling, may not serve food to more than 50 guests and must be an approved non-agricultural use.

Type 1 B&Bs are Allowed uses in nearly all residential zones. Type 2 B&Bs require conditional use review, and Type 3 B&Bs are only allowed in primary agriculture zones with a 40 acres minimum lot size. Hotels and motels are not allowed in residential zones but are allowed in the Rural Activity Zone and in commercial and business park districts.

#### Walla Walla, WA (City)

**Bed & Breakfast** - The City of Walla Walla allows B&B operations as an accessory use to a permitted residential use as "one means of preserving historic, architectural resources in the community." (WWC 20.138.010) Hallmarks of the City's B&B regulations are: (a) level I (administrative) development permit; (b) transient accommodation license from the department of health; (c) maximum of five lodging units, (d) 30-day maximum stay; (e) owner occupied; (f) one off-street parking space per lodging unit; (g) limited food service per WAC 246-21-141, and (h) signs generally not larger than 4 square feet in area. (See WCC 21.138)

**Short-term Rentals** - In 2017 the City of Walla Walla adopted a rigorous set of standards for STVRs responding to concerns about non-owner occupied short-term rentals. (WWC 21.139) The new rules do not apply to hotels, motels and B&Bs.

Key provisions of Walla Walla's STVR regulations include: (a) ban new non-owner occupied STVRs; (b) require proof of payment of state lodging tax, annual city business license; (c) identification of all web-based advertising; (d) provide

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<sup>8</sup> See, Walla County Explores VRBO Rentals, Union Bulletin, January 4, 2018, [http://www.union-bulletin.com/news/local\\_governments/walla\\_walla\\_county/walla-walla-county-explores-vrbo-rentals/article\\_9a83ff98-f182-11e7-865b-433500ec6948.html](http://www.union-bulletin.com/news/local_governments/walla_walla_county/walla-walla-county-explores-vrbo-rentals/article_9a83ff98-f182-11e7-865b-433500ec6948.html)

one off-street parking space per unit rented; (e) RVs, trailers, etc. may not be parked on site or on street; (f) smoke detectors and fire extinguisher required; and (g) a sliding scale for violations from a warning, to fees, to revocation of the business license.

#### Pacific County, WA

Pacific County abuts the Pacific Ocean and contains approximately 933 square miles of land. In 2010 the population was approximately 21,000 persons and the largest community was Raymond, approximately 2,100 persons strong. The economy is primarily based on forest products, seafood, agriculture (marijuana), and tourism.

Pacific County defines short term vacation rentals as occurring in single family dwellings and rented for periods of less than 30 days and the County distinguishes STVRs from more traditional types of short term rental accommodations such as B&Bs, hotels, motels, condominiums, time shares, etc. STVRs generally consist of renting out a residential dwelling in a residential neighborhood and normally do not have any type of management presence on-site during the rental period. Vacation rentals are relatively common in the Long Beach Peninsula and the Grayland/Tokeland areas because they are more tourist and recreation oriented.<sup>9</sup>

Bed and Breakfast Facilities (Zoning Ordinance # 162 Section 21.M). Key provisions of the B&B regulations are:

(a) specific regulations for each zoning district; (b) meet all applicable State and local health, safety and building codes, including minimum State Business licensing requirements; (c) the exterior of the building shall retain a residential appearance; (d) operate in a way that will prevent unreasonable disturbance to area residents; (e) provide a minimum of one off-street parking space for each room in addition to those for the primary residence; (f) signs may be no more than four square feet in area; (g) the access road must meet minimum Pacific County Road standards; and (h) the Administrator may impose other conditions such as additional parking, improved access, landscaping or minimum screening to ensure the proposed facility is compatible with the surrounding area.

Short Term Vacation Rentals (Zoning Ordinance # 162 Section 21.N). Key provisions of the Short Term Vacation Rental regulations are:

(a) revocable annual license required; (b) limited to no more than two overnight guests per bedroom, plus two additional overnight guests ( not exceed 10 person in the dwelling at any one time); (c) the exterior of the building shall retain a residential appearance; (d) operate in a way that will prevent unreasonable disturbance to area residents; (e) make provisions for garbage removal during rental periods; (f) secure pets at all times while on the property; (g) provide a local land line phone number for the unit; (h) provide a minimum of one off-street parking space for each room in addition to those for the primary residence; (i) signs may be no more than four square feet in area; (j) on properties containing both a residential dwelling and an accessory residential dwelling, only one residential structure may be rented out as a short-term vacation rental, but not both; (j) the access road must meet minimum Pacific County Road standards; and (k) file property management plan with the County demonstrating how the vacation rental will be managed and how impacts to neighboring properties will be minimized, include local points of contact available to respond immediately to complaints which is “mailed to all adjoining property owners within 300’ as a condition of license approval, and shall be posted in a visible location within the vacation rental”.

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<sup>9</sup> See, “Short Term Vacation Rentals” brochure, Pacific County, WA, Community Development Department, <http://www.co.pacific.wa.us/dcd/images/apps-forms/vacation%20rentals%20brochure.pdf>

### [San Juan County, WA](#)

San Juan County, in the Salish Sea, is a rural county composed of more than 400 islands and rocks with a land mass totaling less than 175 square miles. The county has a population of less than 16,000 persons and Friday Harbor, the county seat is slightly larger than Stevenson, WA. The county has a robust tourist industry.

The San Juan County Zoning Ordinance, Title 18.40, regulates three classes of short term vacation rentals: B&B inns, B&B residences and Short Term rentals of residences or accessory dwelling units (ADUs). The key elements of each are provided below.

#### Hospitality commercial establishments – Bed and breakfast inns (SJCZ 18.40.250):

B&B inns are typically an historic use located in an older or historic structure. Hallmarks include: (a) maximum of five guest rooms and fifteen guests (up to ten rooms in an historic structure); (b) inns served by non-paved County roads for more than 500 feet are limited to three guest rooms; (c) proprietor must occupy the inn; (d) only breakfast may be served and guests are prohibited access to the kitchen; (e) maximum guest occupancy is 30-days; (f) the building exterior shall remain residential in appearance; (g) operations must prevent unreasonable disturbance to area residents; (h) one off-street parking space is required per guest room; (i) signs are limited to two square feet and must not be internally illuminated; and (j) every five years the owner must certify in writing that the inn is in compliance with the mandatory performance standards.

#### Hospitality commercial establishments – Bed and breakfast residences (SJCZ 18.40.260):

Hallmarks of B&B residences include: (a) restricted to owner occupied and may not occur in the same building with any other type of transient accommodation; (b) maximum of two sleeping rooms and maximum of six guests at any one time; (c) residences served by non-paved County roads for more than 500 feet are limited to three guest rooms; (d) maximum guest occupancy is 30-days; (e) only breakfast may be served and only to guests; (f) operations must prevent unreasonable disturbance to area residents; (g) signs are limited to two square feet and must not be internally illuminated; and (h) every five years the owner must certify in writing that the inn is in compliance with the mandatory performance standards.

#### Vacation (short-term) rentals of residences or accessory dwelling units (SJCZ 18.40.270):

Hallmarks include: (a) applies only to single family residential units or ADUs; (b) maximum of three guests per bedroom; (c) the vacation rental must occur on the property that is the principal residence of the operator; (d) operate the unit in a way that will prevent unreasonable disturbances to area residents; (e) provide one off- street parking space per unit in addition to the parking for the primary resident; (f) food services, if any, must meet the requirements for a B&B; (g) outdoor advertising signs are not allowed; (h) the owner or a long-term lessee may rent either the principal residence or the accessory dwelling unit on a short-term basis (vacation rental), but not both; (i) where there are both a principal residence and an accessory dwelling unit, the owner or long-term lessee must reside on the premises, or one of the living units must remain unrented (j) meet all local and state regulations, including those pertaining to business licenses and taxes; (k) provide a 24-hour contact phone number; (l) provide notice to the tenants regarding rules of conduct and their responsibility not to trespass on private property or to create disturbances; and (m) detached ADUs may not be separately leased or rented for less than 30 days.

### [Stevenson, WA](#)

Stevenson Municipal Code (SMC) Chapter 17.13.010.6(a-e) defines overnight lodging uses to include B&Bs, vacation rental homes, and other short-term accommodations:



Overnight lodging – “A classification of land uses where an owner or manager receives or seeks compensation for use or occupancy of visitor accommodations for a period of less than 30 consecutive days per rental period and which are subject to taxation under SMC [3.03](#) - Excise Tax on Furnishing of Lodging. Overnight lodging includes Bed & Breakfast, Campground, Hostel, Hotel, Vacation Rental Home, and other similar uses.”

Vacation rental home – “A form of Overnight Lodging where an entire dwelling unit is offered for occupancy by visitors and not shared with the owner, manager, or anyone outside the visitor's party.” Vacation Rental Homes are further regulated under SMC [5.20](#) - Vacation Rental Homes.

Bed and Breakfast – “A form of Overnight Lodging where up to 6 guest rooms are offered for occupancy by visitors. Bed & Breakfasts are located in owner- or manager-occupied, preexisting dwelling units.”

Hostel – “An affordable form of Overnight Lodging where individual beds are offered for occupancy by visitors. Hostels are supervised by an owner or manager at all times.”

Hotels – “A form of Overnight Lodging where more than 6 guest rooms are offered for occupancy by visitors. Hotels include single buildings or a group of buildings on the same lot and a building where 6 or fewer guest rooms are offered when the building is not an owner- or manager-occupied preexisting dwelling unit.”

Campgrounds – “A form of Overnight Lodging where sites are offered for occupancy by camping in tents, travel trailers, recreational vehicles, or similar movable or temporary sleeping quarters of any kind.”

Stevenson regulates vacation rental homes in SMC 5.20.<sup>10</sup> The ordinance was adopted in 2016 and includes several significant provisions:

- Rental of dwelling units for less than thirty days is an important contributor to the comprehensive plan's tourism goal. (SMC 5.20.005)
- A Vacation Rental Home is a dwelling providing separate living quarters which include such amenities as refrigeration, cooking facilities, toilets, showers, and other amenities for use or occupancy for a period of less than thirty consecutive days per rental period. (SMC 5.20.010)
- Administrative provisions include: Application for license, specific site and use information required, an application fee, annual licensing (SMC 5.20.015 – 5.20.035)
- Additional requirements include: annual public notice to neighbors, providing a local contact person, responsibility of the contact person to respond to complaints in a timely manner, meeting health and safety standards and being subject to health and safety inspections, guest logs and record management, compliance with tax reporting regulations (SMC 3.03), liability insurance and more. (SMC 5.20.040)
- Revocation of license procedures and penalties for violations of the local code or for nuisance violations. (SMC 5.20.045 -5.20.065).

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<sup>10</sup> [https://library.municode.com/wa/stevenson/codes/code\\_of\\_ordinances?nodeId=TTT5BUTALIRE\\_CH5.20VAREHO](https://library.municode.com/wa/stevenson/codes/code_of_ordinances?nodeId=TTT5BUTALIRE_CH5.20VAREHO)

## V. Recommendations

The intent of these recommendations is to help Skamania County authorities to define the various STVR uses and to help the County determine under what circumstances the use would be appropriate.

### Zoning

The simplest way to expand the number of zones in which STVRs are allowed is to amend the definition of “cottage occupation” to include short term vacation rental. (See Table 1 above listing the zoning districts in which cottage occupations are allowed.)

*Cottage occupation - means “a business operated within a private residence which does not constitute the principle use of that residence, and which principally employs household members associated with that residence or lot on which said business is located; and produces no outside evidence of such occupation with the exception of accepted signs. Such business may include the production, sale, repair, or service of products produced, manufactured, or assembled on the lot; short term vacation lodging as described in Section 21.70 of this chapter; and/ or, provides a service to customers and clients.” (SCC 21.08.010)*

### B&Bs

Similar to the Pacific County approach, Skamania County could differentiate between B&Bs, which are more traditional lodging enterprises, and STVRs.

Currently, Skamania County only allows B&Bs in the West End NC district (SCC 21.67.110.A8); they are not a listed use in any other zone. If the County wishes to expand economic opportunities beyond commercial zones it could allow B&B use in residential zones with more nearby urban character or recreational activities occur. The County could allow B&Bs in the Carson High Density Residential (HDR), Rural Residential (RR) and Rural Estates (RE) zones subject to Administrative Review. (Amend SCC Chapter 21.65.060.B, 21.65.070.B, and 21.65.080.B) Similarly, the County could amend Chapter 21.56, Swift Subarea, to allow B&Bs in the MR5, MR10 and MR20 zones subject to administrative Review. (Amend SCC Sections 21.68 21.68.060.B, 21.68.070.B, and 21.68.080.B) Other residential zones may also be likely candidates for B&Bs.

Create a new chapter 21.70.190, Bed and Breakfast Facilities.

Skamania County already defines B&Bs in SCC Chapter 21.08. Key provisions of the B&B chapter could include:

- Define a B&B to include breakfast service only and breakfast served only to B&B lodging guests
- Create one tier of B&B (if market for B&B activity includes higher intensity uses such as weddings or meetings, the County could create a second tier of development standards and review – for now, keep it simple)
- Identify more zones in which B&Bs are allowed
- Allow B&Bs in a lawfully permitted primary residence or lawfully permitted accessory building but not in both on the same lot
- If an ADU is converted into a B&B the conversion should require public notice and an opportunity to comment and the converted ADU should provide parking based on the B&B standard.
- The B&B should be the primary residence of the owner and operator or the owner/operator must reside in Skamania County
- Permit through Administrative Review
- Limit the number of guest rooms depending upon the average lot size of the zone; for example, three units maximum on lots less than one acre and as many as six (to be consistent with the definition in SCC 21.08) units on non-resource lots of 20 acres or more.
- Limit the number of consecutive days stayed to fourteen



- The B&B drive should use the primary site access and should not create a secondary street entry point
- One on-site parking spot should be provided for each bedroom let for rent
- One non-animated or non-illuminated sign not exceeding four square feet in area may be permitted on the structure or within the yard containing the structure
- Bed and breakfast facilities shall meet all applicable health and fire safety codes
- Do not allow the B&B use if the structure to be used as the B&B has outstanding building code violations
- B&Bs may not infringe upon the right of neighboring residents to peaceful occupancy of their home.
- Create a procedure to revoke a land use permit if multiple violations of the code or nuisance complaints occur
- Limit the amount of additional storage space that may be constructed on site.

### STVRs

Amend SCC Chapter 21.08, definitions to include the term Short-term Vacation Rental (STVR). The City of Walla Walla's definition is a good starting point:

“Short-term vacation rental” means “temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month, that is the owner’s principal residence and where either (1) rooms are rented and the owner is personally present at the dwelling during the rental period, or (2) the entire dwelling is rented. The room(s) for rent may be located within a detached or attached accessory dwelling unit.

Create a new chapter 21.70.200, Short term vacation rental (STVRs).

Key provisions of the STVR chapter could include:

- Allow STVRs in a lawfully permitted, primary, single-family residence or lawfully permitted accessory building but not in both on the same lot
- If an ADU is converted into an STVR the conversion requires public notice and an opportunity to comment
- To minimize nuisance activity and proliferation of absentee landlords, the STVR should be the residence of the owner or operator or the owner/operator must be a Skamania County resident
- Limit the maximum number of guests per bedroom to three people
- Provide one off- street parking space per bedroom in addition to the parking for the primary residence
- Operate the unit in a way that will prevent unreasonable disturbances to area residents
- Limit the size of the outdoor sign to a maximum of two square feet
- Meet all local and state regulations, including those pertaining to business licenses and taxes
- Require smoke detectors in all bedrooms and in the kitchen
- Provide a 24-hour, local contact phone number
- Maintain a guest log of all renters including contact information and vehicle license plate number
- Provide notice to the renters regarding rules of conduct and their responsibility not to trespass on private property or to create disturbances;
- Permit through Administrative Review
- Require a simple administrative land use review but include a public notice requirement.
- File a written management plan with the county at time of permitting <sup>11</sup>
- Provide specific enforcement procedures for violations of the management plan or county regulations

<sup>11</sup> The property management plan could include a description of how the vacation rental will be managed and how impacts to neighboring properties will be minimized; include local points of contact available to respond immediately to complaints which is posted in a visible location within the vacation rental”.

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