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# SKAMANIA COUNTY PLANNING COMMISSION

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## AGENDA

**Tuesday, July 17, 2018 @ 6:00 PM**

SKAMANIA COUNTY COURTHOUSE ANNEX, LOWER MEETING ROOM  
170 NW VANCOUVER AVENUE, STEVENSON, WA 98648

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**I. CALL TO ORDER**

**II. ROLL CALL**

**III. AGENDA ITEMS**

1. Approval of minutes from the July 3, 2018, Planning Commission Meeting.
2. PUBLIC WORKSHOP to discuss possible zoning text amendments regarding temporary dwelling units and recreational vehicle occupancy.

**IV. PLANNING COMMISSION BUSINESS**

**V. ADJOURN**



## Skamania County Planning Commission

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### PLANNING COMMISSION MEETING MINUTES

**Tuesday, July 3, 2018**

**Hegewald Center**

**710 SW Rock Creek Drive, West Meeting Room**

**Stevenson, WA 98648**

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Planning Commission Members:

Present:

John Prescott, Cyndi Soliz, Tony Coates,  
Dee Bajema

Community Development Department Staff

Present:

Alan Peters, Andrew Lembrick  
Sarah Kellie

Absent: Paul Hendricks, Lesley Haskell  
Cliff Nutting

#### 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 June 5, 2018 meeting.
    - a. Motion was made by John Prescott and seconded by Tony Coates to approve the Minutes of the June 5, 2018 meeting with one correction. The minutes will reflect that Item 4a should read "Frequency and length of meetings were discussed." Motion passed 4-0.
  
  2. PUBLIC HEARING, CONSIDERATION AND RECOMMENDATION on proposed rezoning of Unmapped lands in the Stabler/Carson area including amendments to the Comprehensive Plan, Comprehensive Plan Map, Zoning Code and Zoning Map.
    - a. Alan Peters, Assistant Planning Director, presented a Staff Report and proposed text amendments for the Commission's consideration.
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- b. Public Testimony was given by: Nathan Baker, Friends of the Columbia Gorge
  - c. The Planning Commission responded to Mr. Baker's comments and expressed confidence in the proposal.
  - d. Dee Bajema made a motion, seconded by Tony Coates to approve the recommendation presented by staff. The Planning Commission further discussed the proposal and whether "opting in" should be included. It was determined that because many of the owners of large property had made specific requests this was unnecessary.
  - e. Motion passed 4-0.
3. Planning Commission meeting to review temporary dwellings will take place on Tuesday, July 17, 2018.
4. Meeting adjourned at 7:01 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

### MEMORANDUM

**TO:** Planning Commission  
**FROM:** Alan Peters, Assistant Planning Director  
**DATE:** July 10, 2018  
**RE:** July 17, 2018, Workshop on Temporary Dwelling Units and RV Occupancy

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The County adopted accessory dwelling unit (ADU) regulations last December. While developing these regulations, the Planning Commission discussed other housing options, including the use of recreational vehicles (RVs) as dwellings. At that time the Planning Commission elected to continue discussion of that topic more thoroughly, separately from the ADU regulations. At its June 5, 2018, meeting, the Planning Commission decided to initiate further review of this topic and to form a work group of three Planning Commission members: Cliff Nutting, Cyndi Soliz, and Paul Hendricks.

The purpose of this workshop is to introduce the Planning Commission to existing regulations regarding RV occupancy throughout the County and to discuss possible zoning text amendments that would allow for increased housing options in the County. Currently, RVs are not allowed to be used as permanent dwellings, but are allowed for temporary occupancy only. Rising housing costs and the popularity of "tiny homes" in the media have increased interest in more minimalist housing types, but RV occupancy often occurs unpermitted in the County and other jurisdictions already.

This workshop has been advertised as a "public workshop". The Planning Commission should provide opportunity for those members of the public present to provide comment at the meeting.

#### **Definitions - SCC 21.08.010**

SCC 21.08.010 includes definitions for common land use terms that provides much of the guidance regarding RVs in Skamania County. Relevant definitions include the following:

*"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 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. Recreational vehicles include any dependent or independent recreational vehicle which is described as follows:*

1. *"Dependent recreational vehicle" means any tent, trailer, camper, motor home or similar recreational vehicles that do not have self-contained sewer, water or electrical systems, which are dependent upon a service building for toilet and lavatory facilities.*
2. *"Independent recreational vehicle" means any trailer, camper, motor home, or similar recreational vehicles, which can operate independent of connections to sewer, water and electrical systems. The vehicle may contain a water-flushed toilet, lavatory, shower or kitchen sink, all of which are connected to water storage and sewage holding tanks located within the vehicle.*

*"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.)*

"Dwelling Types"

1. *"Single-family" means a building (including mobile homes) designed for the permanent occupancy of one family and containing one dwelling unit. (Does not include recreational vehicles.)*
2. *"Duplex" means a dwelling having two single-family units, which may be arranged as a single- or two-story building.*
3. *"Triplex" means a dwelling having three single-family units, which may be arranged as a single- or two-story building.*
4. *"Fourplex" means a dwelling having four single-family units, which may be arranged as a single- or two-story building.*

*"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. (From MH/RV park ordinance)*

It is primarily these definitions which prohibit the County from allowing the use of RVs as permanent dwellings.

The Revised Code of Washington and Washington Administrative Code also include definitions that provide some guidance:

RCW 59.20.03 - "Recreational vehicle" *means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;*

RCW 46.04.622 - "Park trailer" or "park model trailer" *means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home.*

RCW 46.04.305 - "Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle.

WAC 296-150P-0020 - "Recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- Built on a single chassis, mounted on wheels;
- Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- Certified by the manufacturer as complying with ANSI A119.5.

Unlike the County definitions, the State definitions do not prohibit RVs from being used as dwellings. However, they generally support the idea that RVs are intended for temporary use.

### **Mobile Home and Recreational Vehicle Parks - SCC Title 18**

SCC Title 18 contains construction and design standards for RV and Mobile Home parks in Skamania County. This code does not include any specific restrictions to length of occupancy, but includes the same definitions as in the Zoning Code which defines an RV as "a vehicle or trailer designed or used for recreational camping or travel use".

### **Temporary Dwellings – SCC 21.70.120**

Outside of RV parks, RVs must comply with Section 21.70.120 of the Zoning Code (Attachment A) which contains the County's temporary dwelling standards. The purpose of this section is to allow temporary dwellings under certain circumstances to satisfy personal, but not financial hardships.

This section allows temporary RV occupancy under one of three situations:

1. RVs may be occupied for up to fourteen consecutive days and up to 120 days during a calendar year on any parcel. This requires no approvals.
2. A temporary hardship dwelling where an occupant of the RV will receive continuous care or assistance from someone who resides in an existing dwelling unit located on the parcel or the occupant of the RV will administer care to someone else residing on the parcel. This requires approval of a one-year permit with annual renewals.
3. The owner or owners of a parcel are in the process of building or placing a dwelling intended for the owner's occupancy on the parcel. This requires approval of a one-year permit with annual renewals.

### **What is a Tiny Home?**

There is no official definition of "tiny home". All "tiny homes" in Washington must meet either the State Building Code requirements (RCW 19.27.031), Park Model RV requirements, the RV requirements (RCW 43.22.340) or the HUD Manufactured Home Construction and Safety Standard (CFR 3280) depending on how it will be used and constructed. The Washington Association of Building Officials has prepared a summary of these various classifications (Attachment B).



A site built dwelling meeting building code (allowed in Skamania County)



A modular home meeting building code (allowed in Skamania County)



A "tiny home" RV on wheels (not allowed in Skamania County)



A park model recreational vehicle (not allowed in Skamania County)



A conventional RV trailer (not allowed in Skamania County)

The pictures on the previous page are of various dwelling types that might be considered a "tiny home". Conventional RVs are not generally thought of as tiny homes, but they serve a similar function and are built to the same or better standard than many tiny homes on wheels.

A tiny home can be site-built to building code and may be quite small. Building Code requires at least one habitable room of 70 sq. ft. and the County does not have any minimum dwelling size requirements (Attachment C). A tiny home built to building code is currently allowed anywhere in the County where single-family dwellings are allowed.

A tiny home built as a modular home in a factory is also currently allowed. Modular homes are structures, which are used as dwellings and are built somewhere other than where they will be used or installed. All modular buildings must meet the requirements of the Washington State Building Code and must be inspected and approved by Labor & Industries. Foundations must be approved by the County Building Official.

RVs or Park Model RVs are vehicles or trailers that provide living quarters for recreational, camping or seasonal use and are generally intended for temporary use. These are generally built in factories but you can also build your own, but they must be approved and inspected by Labor & Industries. However, these are not allowed for permanent occupancy in Skamania County.

### **Opportunities**

The County hired BergerABAM to do some preliminary background research on this topic which is documented in an October 2017 memo (Attachment D). Included as attachments to this memo are several helpful articles regarding RVs and "tiny homes" specifically. Most jurisdictions allow only stick-built, manufactured, or modular homes to be used as permanent dwellings and restrict RV occupancy to RV parks. Those who occupy RVs (or tiny homes that are not site-built or modular) permanently usually do so under the radar and are subject to enforcement if complaints are ever made.

The Planning Commission should consider the following questions:

- Do the County's existing regulations provide adequate housing options to its citizens?
- Do the County's existing temporary dwelling regulations adequately accommodate temporary housing needs that might arise?
- Should RVs, Park Model RVs, or "tiny homes" be allowed as permanent dwellings on individual lots?

### **Examples**

Gem County, Idaho allows for RV occupancy with approval of an RV Residency Application (Attachment E). The intent is "to provide a temporary, affordable, transitional housing alternative to Gem County residents through the use of RVs that is sanitary, safe and maintains the residential character of the surrounding neighborhood. The County encourages primary residency to be within permanent structures but recognizes the need for independent, temporary living quarters within our community." It appears that occupancy is limited to two years.



21.70.120 **TEMPORARY DWELLINGS**

The purpose of this section is to allow temporary dwellings under certain circumstances to satisfy personal, but not financial hardships. Because such hardships or needs are personal and generally transitory, the approval of temporary dwellings does not constitute a long-term use commitment that conflicts with the comprehensive plan and implementing ordinances.

- A. An owner of a parcel shall not allow a recreational vehicle on his or her parcel to be occupied for more than fourteen (14) consecutive days or more than a total of one hundred twenty (120) days during a calendar year. An owner of a parcel shall not allow a mobile home to be located on the parcel if such location would result in a violation of density requirements of that zone, unless a temporary dwelling permit is issued to the parcel owner. A parcel owner may apply for a temporary dwelling permit to authorize up to one temporary dwelling on his or her parcel under no more than one of the following circumstances:
  - 1. an occupant of the recreational vehicle or mobile home will receive continuous care or assistance from someone who resides in a dwelling unit located on the parcel at issue, or such occupant will administer such care or assistance to someone else residing on the parcel at issue; or
  - 2. the owner or owners of a parcel are in the process of building or placing a dwelling intended for the owner's occupancy on the parcel.
  
- B. To apply for a temporary dwelling permit a parcel owner shall submit a completed application on a form supplied by the Planning Department. The application shall be accompanied by:
  - 1. a site plan drawn to a scale large enough to allow determination the following:
    - a. the size and boundaries of the parcel;
    - b. the size and location of access, including driveways and access easements, from the parcel to a County, state road;
    - c. the location and size of all existing structures on the parcel; and,
    - d. the proposed location and size of the temporary dwelling.
  - 2. a description of the proposed dwelling;
  - 3. a notarized statement signed by all owners of the parcel (excluding lien holders) setting forth the circumstances which necessitate the temporary dwelling; and,
  - 4. A non-refundable fee as set by resolution of the Board of County Commissioners.
  - 5. a statement from a physician substantiating a need for a person residing on the parcel to receive or administer continuous care and assistance, if applying pursuant to SCC Section 21.70.120(A)(1).
  
- C. Every temporary dwelling authorized in accordance with this chapter shall meet the following minimum criteria:
  - 1. the temporary dwelling shall be designed, constructed and maintained in a manner which will facilitate its removal or conversion to an approved permanent structure on expiration or termination of the permit.
  - 2. A current vehicular license shall be maintained for the recreational vehicle used as a

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- temporary dwelling.
3. There shall be no more than one temporary dwelling per parcel.
  4. 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.
  5. The placement of the temporary dwelling must meet the Skamania County Health Department requirements.
  6. Setback requirements applicable to other structures in the same zone classification shall be met.
- D. A permit for a temporary dwelling shall be issued by the Planning Director after receipt of a completed application if he or she finds grounds exist for the application under 21.70.120(A) and the criteria in 21.70.120(C) are met.
- E. If, after reviewing the completed application, the Planning Director determines that the applicant does not meet the requirements of this chapter, he or she shall deny the request and inform the applicant in writing of the reasons for the denial.
- F. Permit term, renewal and revocation
1. Term: A temporary dwelling permit issued to an applicant based on 21.70.120(A) shall be valid for one year, or until the cessation of the facts creating the basis for the application, whichever occurs first. Temporary dwelling permits may be renewed only under the circumstances set forth below.
  2. Renewal:
    - a. A request for renewal of a temporary dwelling permit issued under 21.70.110(A)(1) shall be submitted by the applicant at least thirty (30) days prior to the expiration of the permit. That request must be made by filing a statement from a physician substantiating a need for a person residing on the parcel to receive or administer continuous care and assistance, and a notarized statement listing any changes in the information provided on the application for the original permit. Such temporary dwelling permit may be renewed for twelve (12) month intervals if the then existing conditions for renewal are met. However, if a request for renewal of a temporary dwelling permit under this subsection is not received thirty (30) days prior to the expiration of the permit, the permit shall become null and void.
    - b. A request for renewal of a temporary dwelling permit issued under 21.70.120(A)(2) shall be submitted at least thirty (30) days prior to the expiration of the permit. That request must be accompanied by a notarized statement showing that the conditions authorizing the temporary dwelling continue to exist and listing any changes in the information provided on the application for the original permit. A temporary dwelling permit may be renewed only once and for a term no longer the term of the initial temporary dwelling permit.
  3. Revocation: If the Planning Director determines that:
    - a. any of the requirements of this chapter have not been satisfied;
    - b. any of the conditions attached to the permit have not been met; or,
    - c. the grounds authorizing the permit no longer exist.

The temporary dwelling permit may be revoked after notice to the holder of the permit. If the permit holder has not demonstrated to the Planning Director within seven (7) days of the mailing of such notice that no grounds for revocation exist, then the permit may be revoked

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and the matter referred to code enforcement for appropriate action pursuant to SCC 21.100.

4. Expiration: Occupancy of a temporary dwelling shall cease immediately upon expiration of a temporary dwelling permit and within fourteen (14) days after mailing, by certified mail, of notification of revocation; all utilities shall be disconnected within thirty (30) days after the date of expiration or revocation; and, if the temporary dwelling is a mobile home it shall be removed from the parcel within thirty (30) days after the date of expiration or revocation, unless prior to such deadlines the parcel owner can demonstrate to the Planning Director that grounds did not exist for revocation. An unoccupied recreation vehicle may be stored on the property with all utilities disconnected, except for electrical power.
5. An appeal of the Planning Director's decision under this chapter shall be processed and heard pursuant to SCC 21.16.070(D).

August 22, 2017

## What you need to know about “Tiny Homes”

L&I frequently receives inquiries regarding the rules and requirements for “tiny homes”.

There is no official definition of “tiny home”. All “tiny homes” in Washington must meet either the [State Building Code requirements](#) (RCW 19.27.031), Park Model RV (PMRV) requirements, the Recreational Vehicle (RV) requirements (RCW 43.22.340) or the HUD Manufactured Home Construction and Safety Standard (CFR 3280) depending on how it will be used and constructed.

Please note that while L&I inspects and labels several of these types of structures, or units, cities and counties are responsible for regulating how all structures, or units, including, RV’s, PMRV’s modular buildings and manufactured homes can be used within their jurisdictions. If you have questions about using an RV, PMRV, modular building or manufactured home as a “tiny home”, please contact your [local building department](#) first. **L&I can only approve the construction of RV’s, PMRV’s and modular buildings, not how they are used or where they can be located.**

Step by step – Getting your tiny home approved by L&I.

**Step 1).** Determine if your structure, or unit, can be approved by L&I.

- Your structure cannot be approved by L&I if:
  - The home will be used to live in as a *dwelling unit\** and –
  - The home is being built on the site where it will be used or
  - The home is a HUD approved manufactured home or
  - The home is converted from something else such as a shipping container, shed or other open framed building (like those found home improvement stores, or ordered online), and the conversion is taking place on the site where it will be used.

*\* DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

Site built, or converted tiny homes are regulated by the local cities and counties, [please contact your local building department with questions about permitting and inspections.](#)

- Your structure can be approved by L&I as a modular building if:
  - The home will be used to live in as a *dwelling unit\** (this is the only type of structure approved by L&I to be used as a *dwelling unit\**) and –
  - The home is being constructed somewhere other than where it will be used and

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- The home is built to the [State Building Code requirements](#). NOTE: The building can be any size allowable by the code(s).

*\* DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

- Your unit can be approved by L&I as a Park Model RV (PMRV) if:
  - The home is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and -
  - The home is built on a single chassis, mounted on wheels so that it can be moved around. PMRV's may be wider than 8'-6" (but must be transportable on the road, contact the Washington State Patrol and Department of Transportation for more information) and
  - the unit does not exceed 400 square feet when set up. If square footage will exceed 400 square feet see the modular building requirements. NOTE: this is not a complete definition. [See WAC 296-150P](#) for complete details.
- Your unit can be approved by L&I as a Recreational Vehicle (RV) if:
  - The home is designed primarily for recreational camping or travel use and -
  - The home no wider than 8'-6" in travel mode and is a vehicular type unit, or built on a vehicle chassis, so that it can be moved around and
  - does not exceed 400 square feet in area when set up. NOTE: this is not a complete definition. [See WAC 296-150R](#) for complete details.

**Step 2).** Submit plans showing how you will build your Modular "tiny home", RV or Park Model RV. We will review your plans to the codes, or standards, that apply. Please see the following fact sheets RV's ([link](#)), PMRV's ([link](#)), modular homes ([link](#)) for additional information.

**Step 3).** Have your structure, or unit, inspected. Once your plans are approved we will provide you instructions on how to schedule inspections. We will charge you for the time and mileage to do the inspection, normally around \$200 each trip (within the state). Two to three trips are typically required.

### **Modular "home" fact sheet.**

Modular homes are structures, which are used as dwellings and are built somewhere other than where they will be used or installed. They can be mounted on chassis or moved by means of a separate trailer. Modular homes can be installed permanently or moved from place to place but the installation and use always requires permits from the local city our county building department. All modular buildings must meet the requirements of the Washington State Building Code and must be inspected and approved by

## Attachment B. Page 3.

Labor & Industries. Any foundation system for a modular home, including types such as a chassis, post & pier, footing & stem wall, etc. must be permitted, reviewed and approved by the local building department. Modular homes can be of any size and shape within the broad limits of the building code.

To have your modular home approved by L&I, first prepare construction plans for your home showing that it will meet the requirements of the Washington State Building code. You can find out more about the codes that apply to your project at the Washington State Building Code website <https://fortress.wa.gov/ga/apps/sbcc/Default.aspx>. If you are unfamiliar with building code requirements or with construction techniques, you should employ a design professional such as a Professional Engineer or Architect to help you.

The plans must include floor plans, elevations, cross sections, structural details, truss drawings foundation/anchoring plans, plumbing, mechanical and electrical drawing. A packet of information with more detailed information on modular buildings can be found on the L&I website <http://www.lni.wa.gov/TradesLicensing/FAS/OtherMobileStructures/default.asp>

The structural portions of the plans must be stamped by a Washington State registered Professional Engineer or Architect and include a basic structural analysis showing the building meets the minimum structural design requirements of the building code. Other non-structural drawings such as electrical and plumbing drawings are not required to be stamped except when they have been prepared by a licensed architect or engineer.

Modular homes must also meet the requirements of the Washington State Energy Code. Information on the energy code be found at the Energy WSU website <http://www.energy.wsu.edu/BuildingEfficiency/EnergyCode.aspx>. The web site also has the compliance forms that need to be filled out and submitted with your plans.

When your plans are ready, mail us three complete sets of plans, calculations and supporting documents. Include a completed "plan application" (form F623-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=102> and the plan review fee. Please contact us at [FAS1@lni.wa.gov](mailto:FAS1@lni.wa.gov) for help figuring the plan review fee; for a small home under 400 square feet it will be around \$450. Our mailing address is on the application form. You should also include a completed Insignia request (form F623-014-000) and NLEA (form F623-013-000). The insignia/NLEA fee for a home built in one piece is \$310.40. All fees can be on the same check.

New modular plans are put in line for review and normally there is a backlog of several weeks before we start reviewing them. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your modular home. Depending on the complexity of your home there will be two or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the modular home meets the requirements of the Washington State Building Code and once your home has passed inspection, he will put the Washington State Modular insignia (gold seal) on the unit.

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The work on all electrical and plumbing systems must be performed by Washington State licensed electricians and plumbers with some exceptions for owners working on their own property as allowed by RCW 19.28 and RCW 18.106.

### **RV fact sheet for units built by an individual or small manufacturer.**

Recreational Vehicles (RV's) are trailers or motorized vehicles used for recreational camping or travel and must meet the requirements found in the NFPA 1192 Standard on Recreational Vehicles. RV's must be a licensed legal vehicle so they cannot be over 8'-6" wide or 14' in height when in travel mode and they cannot exceed 400 square feet in set up mode (fifth wheel units are limited to 430 square feet).

While most RV's are built by specialized factories, individuals can also build an RV. Whether you are building an RV for your personal use or you are a small business located in Washington State that is building RV's for in-state consumers, you will need to have your RV inspected and approved by L&I. RV's being built for sale or lease in Washington must pass L&I inspections and have a Washington State RV label. If you are building an RV for your personal use you should have it inspected and labelled by L&I so that it can be licensed and insured. Sometimes people use existing vehicles in alternate ways. L&I is only involved with vehicle conversions if systems such as 110/120V electrical, propane gas, or plumbing systems are added.

To have your RV approved by L&I, first obtain a copy of the NFPA 1192 standard and the UPA-1 plan guide from NFPA.org or the RVIA.org bookstore. Next, prepare construction plans for your RV using the UPA-1 as a guide. The plan set should include the drawings listed in the UPA-1 and show all relevant information as outlined in the guide. You can omit any information that is not applicable to your design. Your plans do not need to be stamped by an engineer or architect.

When your plans are ready, mail us two copies along with a completed "plan application" (form F622-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=99> and the plan review fee of \$93.90. Our mailing address is on the application form. You should also include a completed RV Insignia order (form F622-021-000) and the \$25 insignia fee. Both fees can be on the same check.

New RV plans are put in line for review and normally there is a backlog of several weeks before we start reviewing them. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your RV. Depending on the complexity of your RV there will be one or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the RV meets the requirements of the NFPA 1192 standard and once your RV has passed inspection, he will put the Washington State RV insignia on the unit.

You are not required to use licensed electricians and plumber for wiring and plumbing systems in RV's, however the plumbing, gas and electrical systems must still be designed, and installed, to code. If you

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are not familiar with plumbing and electrical systems, you need to employ licensed professional electricians and plumbers to help you and who will make sure the work is installed to code. L&I cannot advise you on, or help you learn, how to do this work.

### **PMRV fact sheet for units built by an individual or small manufacturer.**

Park Model Recreational Vehicles (PMRV's) are trailers that provide temporary living quarters for recreational, camping or seasonal use and must meet the requirements found in the ANSI A119.5 Park Model Recreational Vehicle Standard. PMRV's must be built on a single permanent chassis, mounted on wheels, and be transportable down the highway. If they exceed 8'-6" in width or 14' in height when in travel mode they will need special transportation permits and may be limited on where and how they can be moved over the road. PMRV's cannot exceed 400 square feet in overall floor area, including projections in set up mode.

While most PMRV's are built by specialized factories, individuals can also build a Park Model RV. Whether you are building a PMRV for your personal use or you are a small business located in Washington State that is building Park Models for in-state consumers, you will need to have your PMRV inspected and approved by L&I. Park Model RV's being built for sale or lease in Washington must pass L&I inspections and have a Washington State PMRV label. If you are building a Park Model RV for your personal use you should have it inspected and labelled by L&I so that it can be licensed and insured.

To have your Park Model RV approved by L&I, first obtain a copy of the ANSI A119.5 standard and the UPA-1 plan guide from the RVIA.org bookstore. Next, prepare construction plans for your PMRV using the UPA-1 as a guide. The plan set should include the drawings listed in the UPA-1 and show all relevant information as outlined in the guide. In addition, if your PMRV is over 8'-6" wide you need to provide structural drawings, such as cross sections, framing details, truss drawings and elevations showing that the roof, walls, floor and chassis meet the construction requirements of chapter 5 in the ANSI standard. Other structural designs can be approved, when stamped by a Washington State registered Professional Engineer or Architect.

When your plans are ready, mail us two copies along with a completed "plan application" (form F622-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=99> and the plan review fee (\$129.90 if over 8'-6" wide otherwise \$98.20). Our mailing address is on the application form. You should also include a completed RV/PMRV Insignia order (form F622-021-000) and the \$25 insignia fee. Both fees can be on the same check.

New PMRV plans are put in line for review and usually there is a backlog of several weeks before we start the review. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your PMRV. Depending on the complexity of your PMRV there will be two or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the PMRV meets the requirements of the ANSI A119.5 standard and once your PMRV has passed inspection, he will put the Washington State Park Model RV insignia on the unit.



## Attachment B. Page 6.

You are not required to use licensed electricians and plumber for wiring and plumbing systems in PMRV's, however the plumbing, gas and electrical systems must still be designed and installed to code. If you are not familiar with plumbing and electrical systems, you need to employ licensed professional electricians and plumbers to help you and who will make sure the work is installed to code. L&I cannot advise you on or help you learn how to do this work.

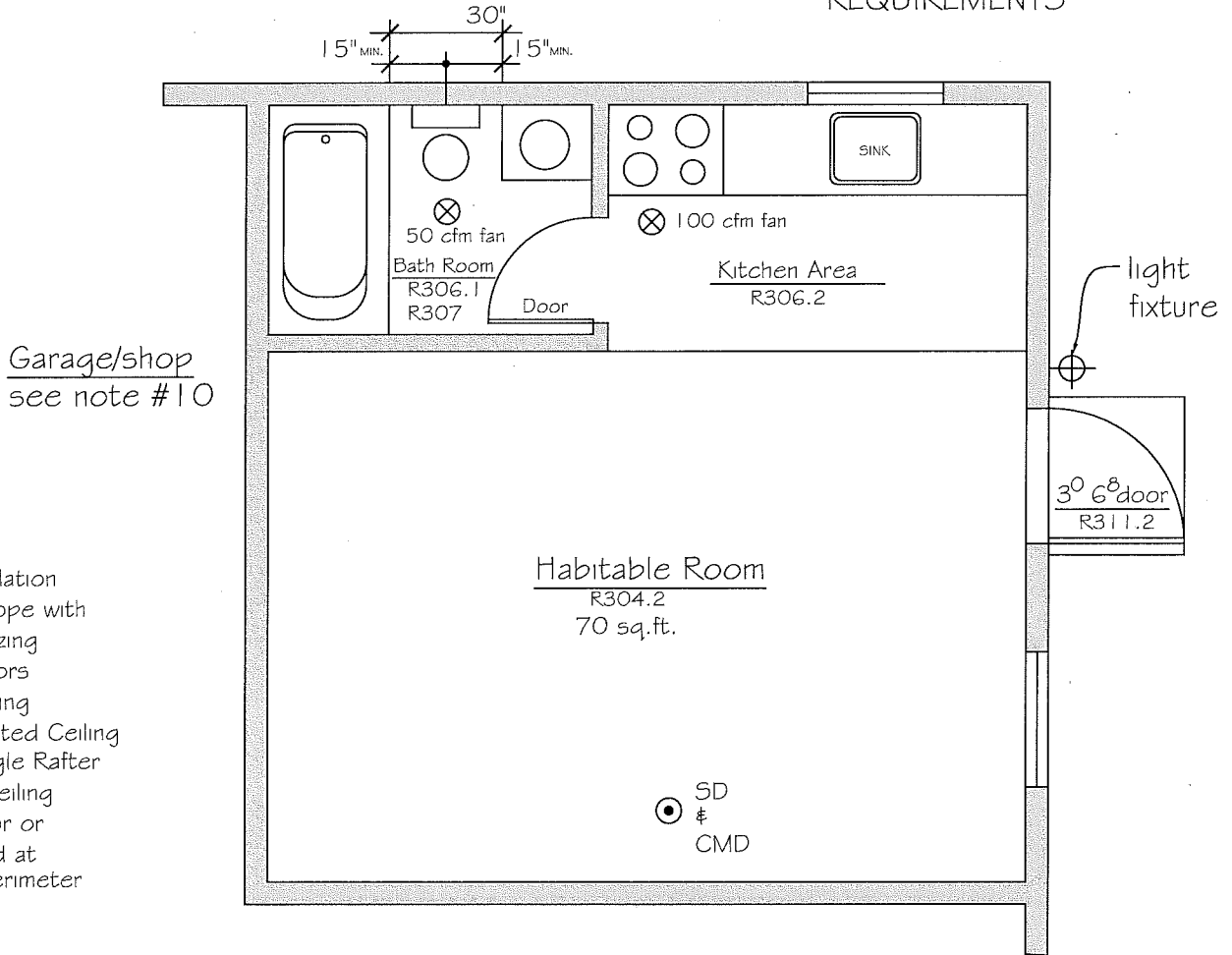


# Southwest Washington Chapter of ICC

This construction detail is illustrative of the minimum standard of construction based upon the 2015 IRC / WAC 51-51

Visit our web site at: [www.sww-icc.org](http://www.sww-icc.org)

VERIFY LOCAL ZONING REQUIREMENTS



- R-21 Insulation wall envelope with
- U .30 glazing
- U .30 doors
- R-49 Ceiling
- R-49 Vaulted Ceiling
- R-38 Single Rafter Vaulted Ceiling
- R-30 Floor or
- R-10 rigid at @ slab perimeter

**Note:**

1. Every dwelling unit shall have at least one habitable room that shall have not less than 70 square feet of gross floor area. See IRC 304.1. Exception: Kitchens.
2. R304.2. Habitable rooms shall not be less than 7 feet in any horizontal dimension. Exception: Kitchens.
3. R304.3. Portions of a room with a sloping ceiling measuring less than 5'-0" or a furred ceiling measuring less than 7'-0" from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for the room. Min. ceiling for habitable room 7'-0". Minimum toilet room height 6'-8" R305.1.
4. R306.1 Every dwelling unit shall be provided with a water closet, lavatory and a bathtub or shower.
5. R306.2 Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink.
6. R306.3 Plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.
7. R306.4 All plumbing fixtures shall be connected to an approved water supply. Kitchen sinks, lavatories, bathtub, shower, bidet, laundry rooms and washing machines shall be provided with hot and cold water.
8. Minimum plumbing clearances and size requirements per R307.1.
9. R307.2 bathtub and shower floors and walls above bathtubs with installed shower heads and in shower compartments shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than 6'-0" above the floor.
10. R302.5.1 Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.
11. Min. separation from garage per Table R302.6. Openings in garage walls shall comply with section R302.5. Attachment of gypsum board shall comply with Table R702.3.5.
12. Source Specific ventilation per WAC 51-51 M1507.1 & Whole House Ventilation requirements per WAC M1507.33.
13. Compliance with Washington State Energy Code WAC 51-11, 1.5 credits required for small dwelling units less than 1500 SQFT.
14. WACR303.9 required heating All habitable rooms shall be provided with heating capable of maintaining minimum 68° at a point 3 feet above the floor and 2 ft from exterior walls. The installation of one or more portable heaters shall not be used to achieve compliance with this section. Wood shall be prohibited as primary heat source.

## 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

<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

<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

## Attachment D. Page 3.

“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

*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

<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.)

## Attachment D. Page 5.

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

<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

<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.

<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:

## Attachment D. Page 11.

- 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.

## Attachment D. Page 12.

## 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

## Attachment D. Page 13.

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.

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

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

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**

Planning fundamentals  
for public officials and  
engaged citizens

This PAS QuickNotes was prepared by  
David Morley, AICP, senior research associate  
at APA and APA's PAS coordinator.

# 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.



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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**

## Attachment D. Page 25.

## 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.

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

### 18.44.020 Purpose.

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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.

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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.

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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.**

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.**

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.



## Attachment D, Page 31

- 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**



## Attachment D. Page 39.

## 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.

## Attachment D. Page 40.

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.

## Attachment D. Page 41.

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.

## Attachment D. Page 42.

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.

## Attachment D. Page 43.

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.

## Attachment D. Page 44.

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.

## Attachment D. Page 45.

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).



**R.V. RESIDENCY APPLICATION**  
GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT  
109 South McKinley Avenue, Emmett, Idaho 83617  
(208) 365-5144 Fax (208) 365-2499  
Web: [www.co.gem.id.us](http://www.co.gem.id.us)

Date: \_\_\_\_\_

**GENERAL INFORMATION:**

Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Owner's Current Address: \_\_\_\_\_

R.V. Occupant: \_\_\_\_\_ Phone #: \_\_\_\_\_

Zone: \_\_\_\_\_ Total Acres: \_\_\_\_\_ Parcel # \_\_\_\_\_

R.V. Site Location / Address: \_\_\_\_\_

Directions to Site: (if necessary) \_\_\_\_\_

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**REQUIRED SUBMITTALS:**

- Fee: \$ 125.00 for (1) one year  
\* Note: \$ 80.00 2<sup>nd</sup> year if time extension is needed, applied for, and granted
- Proof of Property Ownership (Warranty Deed, etc.)
- Driveway Access Permit (required if new driveway is installed) - Gem County Road and Bridge, 402 N. Hayes or call 208-365-3305
- Septic Permit/Approval, S.W. District Health, 1008 E. Locust or call 208-365-6371
- Self contained unit (check this box if you are proposing a self-contained R.V.)
- Plot Plan / Site Plan (drawn with dimensions) - show all existing buildings/structures, property lines, setback distances, well, septic, etc.
- Architectural Committee Approval (if applicable)
- Tie down plan (if wheels are removed)
- Skirting material/detail
- Fuel source (check this box if you are using a heating fuel source other than electrical power; may require Fire District approval for separation of the tank from the structure).



**NOTICE TO OWNER / APPLICANT:**

*Failure to obtain and/or renew your R.V. Residency Permit could result in penalties, as explained further below:*

**11-14-8:** Failure to obtain a zoning permit, building permit or certificate of occupancy shall be a violation of this title. (Ord. 95-04, 5-22-1995)

**11-14-11:**

A. Violation of any of the provisions of this title, or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.

B. Penalty: Each violation shall subject the violator to punishment as set forth in Idaho Code 18-113.

C. Injury or Damage: Further, any person who violates this title and as a result of that violation causes injury or damage to another person or property shall pay full restitution to the injured or damaged person.

D. Separate Offense: The landowner, tenant, sub-divider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense.

E. Additional Remedies: Nothing herein contained shall prevent the Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this title or of the Idaho Code. (Ord. 95-04, 5-22-95)

**I/we, the undersigned owner and R.V. occupant, have read the attached standards from the ordinance and understand our responsibilities. I/we agree to no longer utilize the R.V. as a residence (un-hook) upon expiration of this permit.**

Signature: \_\_\_\_\_  
Property Owner R.V. Occupant

\*\*\*\*\*Office Use Only\*\*\*\*\*

Date of Acceptance: \_\_\_\_\_ Accepted by: \_\_\_\_\_

Approved Date \_\_\_\_\_

Denied Date \_\_\_\_\_

Additional Information: \_\_\_\_\_

**Attachment E. Page 3.**  
**Gem County**  
**Recreational Vehicles – Living Quarters Ordinance**

**11-6-9. Recreational Vehicles (“RV”) – Living Quarters**

Purpose: The intent of this section is to provide a temporary, affordable, transitional housing alternative to Gem County residents through the use of RVs that is sanitary, safe and maintains the residential character of the surrounding neighborhood. The County encourages primary residency to be within permanent structures but recognizes the need for independent, temporary living quarters within our community. The County also encourages the use of RVs within RV or manufactured home parks where possible. For those residents who require the use of RVs as their residence, the County prescribes standards for the approval of such units.

- A. Applicability: These standards pertain to the use of a RV as primary living quarters on property outside of a legal RV or manufactured home park for more than thirty (30) days in a one (1) year period. The standards do not apply to the storage of RVs or temporary dwellings permitted under Section 11-19.
- B. Number Allowed: One (1) RV used as primary living quarters is permitted on a legal parcel that is one (1) acre or greater in size, in accordance with the standards listed in this section.
- C. Time Period/Time Extensions: RVs may be used as the primary living quarters for up to one (1) year on the same property. A one (1) year time extension may be granted by the Administrator if the RV is appropriately screened from public view. This ordinance shall not apply to RVs used as living quarters on the same property for thirty (30) days or less within a one (1) year period.
- D. Inspections: A six (6) month, on-site inspection to ensure compliance with these standards shall be conducted by the Administrator or designee.
- E. Permit Required: All property owners siting a RV under this section are required to obtain a RV Residency Permit and pay the established fee prior to use of the RV as living quarters.
- F. Addressing: If the RV is sited on a property with an existing address, no new address shall be issued for the RV. If there is no existing address, a new address shall be issued (unless the RV is on site for thirty (30) days or less).
- G. Wastewater: The RV shall utilize a wastewater system approved by and/or acceptable to the Health Department.
- H. Location: The RV shall be located to the side or rear of a primary dwelling if one exists on the property. If the RV is located on bare ground, it shall comply with all setbacks as established in Section 11-5-7. No RV used as primary living quarters shall be located within an enclosed building.
- I. Skirting: The RV shall have adequate skirting material around the base, as approved by the Building Official.
- J. Prohibitions:
  - a. Two (2) or more RVs used as living quarters on the same property;
  - b. RVs used as living quarters on parcels already approved for a temporary dwelling under Chapter 11-19;
  - c. Parcels less than one (1) acre in size;
  - d. RVs used as living quarters on an illegal parcel.