



Memorandum

TO: The Honorable Satpal Sidhu, Whatcom County Executive &
The Honorable Whatcom County Council

FROM: Mark Personius, Director

DATE: October 9, 2020

SUBJECT: Tiny Homes

Per discussion with Council in the Planning & Development Committee meeting on September 29, 2020 regarding opportunities to increase affordable housing options by developing new tiny home legislation, PDS wanted to lay out a roadmap to develop code amendments that:

- Allow the siting of "tiny homes" within existing mobile home parks; and
- Amend the Binding Site Plan code in Title 21 WCC to allow development of "tiny home" parks as newly authorized under amendments to RCW 58.17.040 via ESSB 5383.

Background Issues

Building Code (Title 15 WCC)

Regulation of tiny homes from a building code perspective is principally related to different definitions. A tiny home may fall into one of three different categories:

1. ***A permanent structure constructed per the requirements of the International Residential Code (IRC) being reviewed and inspected by the County as a Single Family Residence (SFR).*** Previous and current building codes have allowed construction of small dwellings known as "efficiency dwelling units" that required a minimum of one room of 120 sf (this requirement was eliminated in the 2015 IRC) and had to provide food storage, preparation and cleaning (sink, stove, and refrigerator) which could be part of the 120 sf. You also had to provide a separate bathroom (sink, toilet, and shower) and if a separate bedroom was provided, it had to be a minimum of 70 sf. All other items were required per code as well, like height, ventilation, energy code, egress requirements, etc. With these requirements, Whatcom County PDS has permitted and approved at least three of these units at 300 sf or less, one of which was 235 sf. In February of 2021, the new IRC will be adopted which will include Appendix "Q" which addresses Tiny Homes. Certain code sections will be relaxed or revised to allow the use of smaller spaces but still maintain life and safety requirement. Items that were relaxed in Appendix "Q" are; height, compact stair/ladder access, loft size and heights, and roof/skylight egress. These reduced standards can be applied to a SFR of 400 sf or less.
2. ***A State Labor and Industry (L&I) approved factory built structure (i.e., manufactured home)*** per the requirements of the IRC or HUD standards under review and inspection by L&I while it is being constructed. Once completed the unit will bear a certification tag from L&I for use as a SFR. These units would be reviewed

and inspected similar to our current manufactured home process. The tiny homes in this category can either have their wheels removed or remain in place. These units are sometimes called Tiny Home On Wheels (THOW). When L&I certifies and approves a factory assembled structure it also provides and approves a “permanent” foundation design for the unit. A typical minimum foundation consists of blocking of the main support beams at a given spacing for vertical loading and a given number of strap tie downs for lateral loading and skirting around the perimeter of the structure. The County reviews and inspects everything out side of the L&I approved structure, such as the foundation construction, skirting, landings and steps. There are a multitude of approved foundation designs for this type of unit all the way up to a full concrete perimeter foundation similar to a site built stick framed structure.

3. ***A Recreational Vehicle (RV) per L&I RV requirements*** or Department of Motor Vehicle (DMV) or L&I’s self-certification program, and once completed shall bear a certification tag as an RV. The Building Code does not regulate Recreational Vehicles. RV’s are subject to regulations regarding location and occupancy in the Zoning Code (Title 20 WCC). There are some RV parks and properties that they are allowed on but are not approved for permanent living.

Zoning Code (Title 20 WCC)

A tiny home (stick frame constructed) park is an unstated use in the current Zoning Code (Title 20 WCC). Current code interprets stick frame constructed tiny homes as single-family residences which are limited to one residence per lot. As such, an applicant would have to subdivide (via a short or long plat) their parcel into individual lots in order to build a tiny home park. A Tiny Home on Wheels (THOW) Park is an unstated use as well. The closest similar uses are Mobile Home Parks and Recreational Vehicle Parks. It’s possible that we could approve them as a Recreational Vehicle (if approved by state Labor & Industries) and Recreational Vehicle Park, but there may be conflicts with the use definitions.

Land Division Code (Title 21 WCC)

The current Binding Site Plan regulations (Title 21.07/08 WCC) do not recognize tiny homes. The recent amendments to RCW 58.17.040 (Binding Site Plan process) could not be utilized unless we amend the Zoning and Land Division codes.

Path Forward

Identify and remedy existing barriers to tiny homes in current code, including:

- ***Review and amend the Building Code (Title 15 WCC)*** to incorporate new state standards for tiny homes, including Appendix Q.
- ***Review and amend the Zoning Code (Title 20 WCC)*** and comprehensive plan to clearly define tiny home terms of reference and determine where tiny home communities could be located.
- ***Review and amend the Binding Site Plan regulations (Title 21 WCC)*** to include tiny homes and tiny homes with wheels. The definition of “binding site plan” needs to be updated as well as the subdivision regulations to allow tiny homes. Once updated, lease spaces could be created in mobile home parks, RV parks or distinct tiny home parks.
- ***Review (and amend if necessary) the Critical Areas Code (Title 16 WCC), Shorelines (Title 23 WCC) and possibly the Health Code (Title 24 WCC)*** to ensure consistency among all regulations related to tiny homes.

Schedule

PDS staff will accomplish the above tasks and bring forward recommendations to Council as part of the state mandated adoption of the new state building code update in January/February 2021.