



Memorandum

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

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Director

DATE: April 19, 2021

SUBJECT: Tiny Homes

The Council has expressed interest in increasing affordable housing options, in particular by amending the Whatcom County Code to allow for the siting of tiny homes within mobile home or RV parks or on individual lots, as newly authorized under amendments to RCW 58.17.040 via ESSB 5383. Staff has developed draft language for your review to implement this approach. We are also proposing amendments to the Planned Unit Development (PUD) code to allow and encourage duplexes in urban growth areas. Staff would appreciate Council's input into these proposals prior to initiating the public review process with the Planning Commission.

Tiny Homes

What are Tiny Homes?

To decipher how best to develop the regulatory structure to allow tiny homes, staff first had to understand what tiny homes are. Are they homes? Mobile homes? Or are they recreational vehicles (RVs), or something else?

To do this, we identified the key characteristics of existing types of units as well as the various types of tiny homes. Broadly, but in more detail in Table 1, these characteristics have to do with what type of state or federal license or certification they can obtain, whether or not they're self-contained (meaning, do they need to be connected to utilities to operate?), and whether they have chassis/wheels, all of which have to do with whether they are intended or can be used for long-term or short-term use. There are other differences, like how much insulation they have or whether they have basic sanitary necessities such as toilets, showers, and sinks, but the characteristics we've used suffice for classification.

Based on this analysis, we have identified four types of tiny homes, each corresponding to one of our existing unit types. The two that are intended for long-term residential use are:

- *Site-Built Tiny Homes* are analogous to standard site-built homes, except that they're smaller (< 400 sq. ft.). They are built on-site, are not self-contained, are intended for long-term use, and would have to meet the International Residential Code (IRC) standards.
- *Manufactured Tiny Homes* are analogous to standard mobile (or manufactured) homes, except that they're smaller. They are built at a manufacturing plant and transported to their final site. They are not self-contained, are intended for long-term use, and would have to meet the IRC standards *or* be HUD certified *and* be L&I certified as a permanent dwelling unit. Like standard mobile homes, they're manufactured with a chassis and wheels for transport to their final

location, though the wheels are generally removed and the unit placed on a permanent foundation.

The other types of tiny homes that are getting a lot of interest are Tiny Homes on Wheels (or THOWs, and yes, a real acronym), which have a chassis and wheels and can be towed by a vehicle. But because of their construction standards, they are only intended and can only be certified for short-term recreational use. But even among them, based on key characteristics, there are two different types. We're calling them:

- *Type 1 Tiny Home on Wheels* are analogous to park model trailers. They cannot meet the IRC standards nor be certified by HUD for long-term residential use, but can be certified by L&I for short-term recreational use. They are not self-contained so must be hooked up to utilities.
- *Type 2 Tiny Home on Wheels* are analogous to RVs. They are similar to Type 1 THOWs, but *are* self-contained, meaning they have tanks to hold water and sewage and have batteries for power so that they don't always need to be connected to utilities, and can be L&I certified for short-term recreational use. They must be licensed by the state Department of Licensing for transport on the highways.

Proposed Tiny Home Regulatory Structure

Based on these characteristics, each of these four types of tiny homes corresponds or is analogous to a type of (either long- or short-term) residence that the County already regulates. Thus, to simplify or streamline the means to regulate these units, we can just define each of these types of tiny homes as one of our existing types and they would be regulated under existing regulations for that type.

So we're proposing to add definitions for each of the types: "Tiny Homes," with subcategories for "site-built tiny homes" and "manufactured tiny homes"; and "Tiny Homes on Wheels," with subcategories for "Type 1 THOWs" and "Type 2 THOWs" (see Exhibit A, §20.97.435.03 & §20.97.435.04). Then we're proposing to amend the definitions for "Mobile Home" to include "Manufactured Tiny Homes" (Exhibit A, §20.97.250), "Recreational Vehicle" to include "Type 2 THOWs" (Exhibit A, §20.97.335), and "Park Model Trailer" to include "Type 1 THOWs" (Exhibit A, §20.97.292) (plus some grammatical edits).

With these definitional amendments, each of these tiny home types would then be allowed wherever their existing corresponding standard type is allowed under existing code:

- Site-built tiny homes would be allowed wherever and under whatever circumstances and standards standard site-built homes are allowed (either as a primary use or an accessory dwelling unit (ADU));
- Manufactured tiny homes would be allowed wherever and under whatever circumstances and standards standard mobile (or manufactured) homes are allowed (as a primary use, an ADU, or in a mobile home park);
- Type 1 THOWs would be allowed wherever and under whatever circumstances and standards park model trailers are allowed (as temporary guest lodging or in an RV park in a space designated for park models, meaning they have utility hookups); and,
- Type 2 THOWs would be allowed wherever and under whatever circumstances and standards recreational vehicles are allowed (as temporary guest lodging or in an RV park).

Apart from these definitional amendments, staff is also proposing to clarify our Mobile Home and RV Park Standards. First, we're proposing to separate the two into distinct sections. We're also identifying the process by which such a park can be permitted (binding site plan or condominium), and that CC&R's must be submitted and approved (so that we can ensure long-term maintenance and operations are

dealt with properly). Apart from that, we're keeping the rules that applied to both in both, but putting the rules that only apply to one type of park in their respective sections. (See Exhibit A, §20.80.950 and §20.80.955.)

Under the proposed regulations, one could develop a mobile home park for mobile homes, manufactured tiny homes, or a mix of the two and an RV park for RV's, THOWs (as applicable), or a mix of the two. Mobile home parks are allowed as a conditional use in the Resort Commercial (RC), Urban Residential Mixed (UR-MX), and Urban Residential – Medium Density (URM) Districts. Recreational vehicle (RV) parks are allowed as a conditional use in the Resort Commercial (RC), Tourist Commercial (TC), and Point Roberts Special Districts.

And regarding building permit requirements, note also that the Council already adopted the new International Residential Code, including Appendix Q, which contains the building code rules for tiny homes.

Allowing Duplexes in Planned Unit Developments

Another amendment proposed as a way to increase affordable housing options is to allow duplexes in certain zones when a project is developed as a Planned Unit Development (PUD) (WCC Chapter 20.85). PUDs:

- Allow certain uses beyond those allowed in the underlying zone when a project is developed as a planned neighborhood community;
- Can only be developed within Urban Growth Areas and have to be at least two acres in size (except under certain conditions listed in WCC 20.85.020);
- Have additional standards for buffering, open space, circulation, access, parking, storage, and utilities;
- Allow for increased densities (WCC 20.85.108);
- Allow a relaxation of dimensional standards (WCC 20.85.109); and,
- Can only be approved by Council.

Currently PUDs allow single-family and multi-family residential uses, but not duplexes. To rectify this incongruity and help promote affordable housing, staff is proposing amendments to WCC 20.85.050. While most of the changes shown in Exhibit A are just cleaning up the grammar, the two that are policy changes are where “duplexes” has been added to 20.85.053(1) and (2).

Table 1. Defining characteristics of the various types of "homes" and where they're allowed

	Site-Built Home	Site-Built Tiny Home	Manufactured (Mobile) Home	Manufactured Tiny Home	Park Model Trailer	Type 1 Tiny Home on Wheels	Recreational Vehicle	Type 2 Tiny Home on Wheels
Characteristic								
• Meets IRC standards for permanent dwelling unit	Yes	Yes	Yes	Yes	No	No	No	No
• OR Is HUD certified	No	No	Yes	Yes	No	No	No	No
• Is L&I certified for Use ¹	No	No	Yes, as a permanent dwelling unit	Yes, as a permanent dwelling unit	Yes, for recreational use	Yes, for recreational use	Yes, for recreational use	Yes, for recreational use
• Is DOL licensed	No	No	No	No	No	No	Yes	Yes
• Is self-contained (wastewater, water, power) (if not, must be connected to hook-ups)	No	No	No	No	No	No	Yes	Yes
• Has chassis/wheels	No	No	Yes when manufactured, but wheels removed once sited	Yes when manufactured, but wheels removed once sited	Yes, though wheels may be removed	Yes, though wheels may be removed	Yes	Yes
• Is intended/licensed for long-term or short-term residential use	long-term	long-term	long-term	long-term	short-term	short-term	short-term	short-term
Where allowed/Permit Type²								
• As a primary structure on individual lot	Yes/ BP	Yes/ BP	Yes/ BP	Yes/ BP	No	No	No	No
• As an accessory structure (ADU) to an SFR	Yes/ ADM	Yes/ ADM	Yes/ ADM	Yes/ ADM	No	No	No	No
• As temporary ³ guest lodging	No	No	No	No	Temporarily/ ADM	Temporarily/ ADM	Temporarily/ P	Temporarily/ P
• In a Mobile Home Park	No	No	Yes/ BP	Yes/ BP	No ⁴	No	No ⁴	No
• In an RV Park ⁵	No	No	No	No	Temporarily, in P/M designated space/ P	Temporarily, in P/M designated space/ P	Temporarily/ P	Temporarily/ P

Footnotes:

1 – Certified as a permanent dwelling unit or for recreational use, as noted.

2 – P = Permitted; ADM – Administrative Approval Use; BP = Building Permit

3 – On individual lots, the maximum length of stay of any recreational vehicle on a lot may not exceed a total of 120 days per calendar year; provided, that no accessory guest RV shall remain on the subject lot for more than 14 consecutive days nor more than 30 days total per calendar year.

4 – There are a few nonconforming (grandfathered) mobile home parks that do allow park model trailers, but in new RV parks, park models are not allowed.

5 – In RV Parks the maximum length of stay may not exceed 180 days for any one-year time period.