

**Whatcom County
Planning & Development Services
Staff Report**

Affordable Housing Options

I. File Information

File #: PLN2021-00012

File Name: Affordable Housing Options

Applicant: Whatcom County Planning and Development Services (PDS)

Project Summary: Proposed amendments to the Whatcom County Code Title 20 (Zoning) to provide additional affordable housing options by allowing and regulating tiny homes and allowing duplexes in planned unit developments.

Location: Countywide.

Attachments

- Draft Ordinance
- Exhibit A – Proposed Amendments

II. Background

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 is also proposing amendments to the Planned Unit Development (PUD) code to allow and encourage duplexes in urban growth areas. Both are intended to provide additional affordable housing options for Whatcom County citizens.

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.

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 dwelling unit (ADU) to an SFR ³	Yes/ ADM	Yes/ ADM	Yes/ ADM	Yes/ ADM	No	No	No	No
• As temporary ⁴ 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 ⁵	No	No ⁵	No
• In an RV Park ⁶	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 – ADUs are allowed where most single-family residences are allowed. Some zoning districts have a minimum lot size requirement for detached ADUs and some areas require that accessory apartments and detached ADUs are consistent with the underlying zoning

4 – 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.

5 – 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.

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

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 these, 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 recreational vehicles (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.

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.

III. Amendments

The proposed amendments are found in Exhibit A. Please refer to that attachment; explanations are provided therein. Here is an overview, though.

Proposed Tiny Home Regulatory Structure

Based on the characteristics shown in Table 1, each of the 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. Please note that while there has been interest in allowing “tiny home villages” more widely, the County is limited as to where we can allow higher (urban) densities.

Duplexes in Planned Unit Developments

While most of the changes to WCC 20.85.053 shown in Exhibit A are just cleaning up grammar, the two that are policy changes are where “duplexes” has been added to subsections (1) and (2).

IV. Comprehensive Plan Evaluation

The proposed amendments to the regulations (WCC Title 20) have been developed using the guidance of the Comprehensive Plan so as to remain consistent. Particularly relevant are:

Goal 3C: Create opportunity for a broad range of housing types and encourage mixed affordability.

Policy 3C-1: Support lot clustering, varied lot sizes, small-scale multi-family dwellings, accessory housing, especially accessory dwelling units (ADUs) in single-family zoning, and reductions in infrastructure requirements for subdivisions as incentives for development of housing obtainable by purchasers with the greatest possible mix of needs and household incomes.

Policy 3C-3: Support development of manufactured and mobile home parks and establish design criteria that will enable them to fit into the surrounding community.

Goal 3E: Provide for future housing needs by responding to changing household demographics.

Policy 3E-1: Review and revise existing regulations to identify inhibitions to housing for the varying preferences of those needing housing. Focus on population segments with particular needs such as temporary, transitional, or emergency housing.

Goal 3F: Provide incentives to create affordable housing.

Policy 3F-3: Support innovative housing ideas including co-housing (essentially a micro-community with some centralized facilities), elder cottages (housing units for healthy but aging family members), accessory dwelling units (ADUs) in single family zoning of all jurisdictions, including cottage designs available at planning department front desk, and shared living residences or group quarters in UGAs, and educate the public about them.

V. Draft Findings of Fact and Reasons for Action

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. The County 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.
2. Additionally, Planning and Development Services (PDS) has identified that in addition to allowing single- and multi-family dwellings in Planned Unit Developments, allowing duplexes would also increase affordable housing options.
3. PDS submitted an application (PLN2021-00012) to make amendments to Whatcom County’s zoning regulations (WCC Title 20) to provide these affordable housing options.

4. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 20, 2021.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on May 20, 2021, for their 60-day review.
6. On June 24, 2021, the Planning Commission held a duly noticed public hearing to consider testimony on the proposed amendments.
7. The County Council held a duly noticed public hearing on the proposed amendments on X, 2021, and reviewed and considered the Planning Commission recommendation, staff recommendations, and public comments on the proposed amendments.
8. The amendments are consistent with the Growth Management Act, Whatcom County Comprehensive Plan, and other applicable requirements.
9. The proposed amendments reflect current local circumstances and promote the general public health, safety, morals and welfare.

VI. Proposed Conclusions

1. The amendments are in the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

VII. Recommendation

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.