

Dayton City Planning Commission

Regular Meeting—Agenda

Tuesday, March 20th, 2018 at 6:30 PM

114 South 2nd Street, Dayton, Washington 99328



1. Call to Order
 2. Roll Call and Establish Quorum
 3. Review of Minutes
 - a. February 20th, 2018
 4. Communications from Citizens
 5. Public Hearings
 - a. None scheduled
 6. Old Business
 - a. Title 11: Zoning
 - i. Final review of current draft. Additional changes to be incorporated (see new business).
 7. New Business
 - a. Air B&B
 - i. Initial discussion; will need to be amended within the zoning code.
 - b. Tiny Homes
 - i. Initial discussion; will need to be amended within the zoning code.
 - c. Chapter 17-02: Frequently Flooded Areas
 - i. Issues brought forward by Department of Ecology
- Adjournment
- d. Next meeting: Tuesday, February 20th, 2018 at 6:30 PM



DAYTON CITY PLANNING COMMISSION
114 S. 2nd Street, Dayton, WA
Meeting Minutes

Tuesday, February 20, 2018 – 6:30 p.m.

Call to Order: by Chair, Joe Huether at 6:31 p.m.

Roll Call: Members Present: Joe Huether, Carol Rahn, Kathryn Witherington, and Byron Kaczmariski.
Also in attendance: Meagan Bailey, Planning Director; Dena Martin, Planning Clerk
A quorum of Council members was present.

Minutes: The January 16th, 2018 meeting minutes were reviewed.

- A motion to approve the minutes of the January 16th, 2018 meeting minutes as distributed was made by Witherington and seconded by Rahn. Motion passed.

Communication from Citizens: (none)

Public Hearing on Ordinance 1927, amending DMC Title 19 – Land Divisions:

- A Public Hearing on proposed Ordinance 1927, amending Title 19 of the Dayton Municipal Code to include new processes and development regulations regarding Planned Unit Developments was opened by the Chair at 6:33 p.m.
 - Proposed changes were reviewed and summarized by the Planning Director.
 - The Commission received a comprehensive staff report, including a SEPA determination of non-significance. Other State departments have reviewed the proposed ordinance. The proposed amendments are within full compliance of all environmental and developmental regulations.
 - No additional comments or questions had been received.
- The Public Hearing was closed by the Chair at 6:37 p.m.
 - A motion was made by Rahn and seconded by Kaczmariski to recommend adoption of the ordinance to the City Council.

Old Business:

- No old business was presented for consideration at this time.

New Business:

- Comments and review for amendments to Dayton Municipal Code Title 11: Zoning
 - Add “Pre-Existing Inert Waste Sites” as an allowed use within the Open Space/Recreational Zone.
 - Revise definition of “Mini Storage” to exclude Conex storage containers. Conex containers will no longer be allowed in commercial/fringe commercial zones as they do not enhance the City and have an adverse effect on adjoining property values.

- Revise section 11.09 pertaining to pre-existing and non-conforming properties to make the code less restrictive.
- Minor edits and language updates as recommended by the Dayton Planning Commission.
- Staff will make recommended changes and distribute to Dayton Planning Commission for further review.
- Amendments to Dayton Planning Commission Rules of Procedure
 - Updated Rules of Procedure to reflect current processes and codes and made minor language edits.
 - A motion was made by Rahn and seconded by Kaczmarski to approve the amended the Dayton Planning Commission Rules of Procedure.
- Carol Rahn term expiring March, 2018
 - Kaczmarski moved and Witherington seconded to send a recommendation to City Council for the re-appointment of Carol Rahn to the Dayton Planning Commission for a four-year term expiring March, 2022.

Adjournment: at 7:20 p.m.

Announcements:

- Next Scheduled Commission Meeting: Tuesday, March 20th, 2018 @ 6:30 pm.

Approved, March 20th, 2018,

Joseph Huether, City Planning Commission Chair Date

Attest:

Meagan Bailey, Planning Director

Title 11 - ZONING CODE

11-01.050. - Definitions and interpretation of language.

“Cargo containers” are standardized reusable vessels that were (A) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or (B) designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers” having a similar appearance to and characteristics of cargo containers.

“Mini-storage” means a building or group of buildings containing separate storage spaces of varying sizes that are leased or rented as individuals units, excluding the use of Cargo Containers as storage spaces.

11-02.010. - Zoning districts.

The following zoning districts are hereby established in conformance with the goals of the Dayton Comprehensive Plan:

District Name:	Symbol
Residential Districts:	
Urban Residential	UR
Agricultural Residential	AR
Commercial Districts:	
Central Commercial	CC
Fringe Commercial	FC
Industrial District:	
Industrial	IN
Public Purpose Districts:	
Open Space and Recreation	OR
Public and Quasi-Public Zone	PU

11-02.030. - Official zoning map.

- A. The area within the city is divided into zones and overlay areas as shown on the official zoning map that is adopted by reference and declared to be a part of this title. Land area(s) under an approved development agreement shall be designated on the zoning map. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the city. The official zoning map shall be made available for public inspection within Dayton City Hall.
- B. No amendment to this title that involves boundaries on the official zoning map shall become effective until such change and entry is made on the zoning map.

11-03.020. - Uses.

All uses in residential zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in the Use Chart of this section. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use that is permitted as a similar use.

Use Chart	Residential Zones	
	AR	UR
A. Residential Uses.		

11-03.030. - Standards—Lot area, height, setback, lot coverage requirements and exceptions.

Accessory dwelling units (ADU's) shall be designed to preserve or complement the architectural design, style, and appearance of the principal structure with not less than 220 gross square feet and no more than 800 gross square feet of floor area. If detached from the primary residence, an exterior height of 25 feet to the top peak of the roof is allowed; providing, however, that all the other maximum lot coverage, setback and height limit limitations pursuant to DMC 11-03.030 are met. Apartments above garages/shops are permitted to be used as ADUs, if the following conditions are met: all zoning requirements of DMC Title 11 are met, including lot coverage and setbacks, egress must be provided in a way that tenants can get out of the apartment/unit without entering the garage/shop, and all applicable Fire and Building codes are met. All owners must register their ADU with the city's planning department. An occupancy permit must be obtained, if required by building codes.

11-03.080. - Landscaping—Required.

A. In addition to these general requirements, refer to Chapter 11-08, for landscaping, screening, lighting and surfacing requirements for surface parking and outdoor storage areas that are larger than 2,500 square feet.

11-03.100. - Animal densities—Livestock and production animals and household pets restrictions.

Livestock and production animals such as horses, cows, goats, sheep and fowl are allowed subject to DMC 11-03.020 and as follows:

11-03.110. - Mobile home parks.

Landscaping and screening. The perimeter of the mobile home park shall be landscaped and screened except in access areas such as driveways and sidewalks. The access areas may not occupy more than 30 percent of the perimeter of the park. The required perimeter landscaped area (on all property lines) shall be five feet deep. The required perimeter screening may be either a six-foot-high sight-obscuring fence or a four-foot-high landscaped berm or a hedge that is at least two feet high when planted. The berm or hedge may be within the required perimeter landscaped area. A sight-obscuring fence must be set back behind the required perimeter landscaping (set back five feet from the property line). The landscaped area and berms shall be planted and maintained with trees, shrubs and evergreen ground cover in a manner which covers the required landscaped and berm area within three years from the date the development permit is issued, and the landscaped cover shall be maintained as long as the mobile home park is in use. One tree is required to be planted and maintained in each 50 lineal feet of the perimeter-landscaped area. If the parking area in the park is larger than 2,500 square feet, refer to Chapter 11-08 for landscaping requirements in the parking area.

11-04.020. - Uses.

All uses in commercial zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in Use Chart below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use that is permitted as a similar use.

11-04.030. - Standards for lot area, height, setback, lot coverage, floor areas and exceptions.

Minimum front yard setback (exceptions listed below)	0'	5'
Minimum rear yard setback (exceptions listed below) Loading area may be in rear yard set back	10'	10'
Minimum side yard (exceptions listed below)	0'	5'
Maximum structure or building height (exceptions listed below)	50'	35'
Maximum floor area	3 times the lot area	2 times the lot area
Maximum lot coverage	80%	60%

Specific standards and exceptions.

- A. Manufacturing, fabricating, repairing, refuse compacting and recycling and other activities that are major noise generators shall be conducted wholly within an enclosed structure. These and other major noise generating uses shall not be located within 50 feet of a residential zone.

Venting from uses that produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten feet above finished sidewalk grade and cannot be vented within 100 feet of a residential zone.

11-05.020. - Uses.

All uses in the industrial zone shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in this section of the DMC. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use that is permitted as a similar use.

11-05.090. - Exterior lighting, glare and heat.

Exterior lighting in the industrial zone shall be shielded and directed away from residential zoned areas. Exterior lighting on poles shall not exceed a height of 30 feet above finished grade. Any operation producing intense glare or heat shall be conducted within an enclosure that prevents significant glare or heat on adjacent streets or property.

CHAPTER 11-06. - OPEN SPACE/RECREATION AND PUBLIC ZONES

11-06.010. - Intent and purpose of open space/recreation and public zones.

- A. The open space/recreation (OR) zone. The intent of the open space/recreation zone is to promote and preserve the unique landscape bordering the Touchet River and encourage its traditional use for recreation.

11-06-020. – Uses.

All uses in the open space/recreation and public zones shall either be permitted as a principal use, as an accessory use, as a conditional use, or prohibited as listed in the chart below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use that is permitted as a similar use.

Uses in Open Space/Recreation and Public Zones	Zones	
	OR	PU
Community centers, theaters, lodge halls and museums	C	PU
Fire and police stations	X	P
Governmental equipment repair and maintenance shops	X	P
Governmental offices	X	P
Hospital	X	P
Marijuana processing and production including medical marijuana	X	X
Marijuana producers and production including medical marijuana	X	X
Marijuana retailers and retail stores with or without a medical marijuana endorsement	X	X
Medical marijuana cooperatives	X	X
Parks, playgrounds, golf courses and other outdoor recreation uses	P	P
Open space	P	P
Religious facilities, faith centers and churches	C	P
Schools	C	P
Utility transformers, pump station, etc.	C	P
Pre-Existing Inert Waste Sites	P	X

P—Permitted principal use; X—Prohibited use; A—Accessory use; C—Conditional use

11-06.030. - Standards—Height and setbacks.

The minimum lot setbacks and structure heights required or permitted are listed below. Greater standards may be required as part of a conditional use permit approval:

Standards	Zones	
	OR	PU
Minimum front yard setback	25'	25'
Minimum rear yard setback, loading area may be in rear yard set back	20'	20'
Minimum side yard	20'	20'
Maximum structure or building height (exceptions listed below)	40'	40'

Building height exceptions. The building height limitations above do not apply to the height of water reservoirs, church spires and other similar structures or facilities.

11-06.040. - Vision clearance area requirements.

At street intersections and at intersections of streets and alleys, in the area adjacent to each intersection, shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The requirements apply to all areas within a sight triangle, measured ten feet back from the intersecting property lines along each street front or alley property line. Within this triangle area no fences, bushes, structures or other vision obstructing elements may be more than three feet higher than the finished grade of the adjacent streets and no signs, tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.

CHAPTER 11-09. - NONCONFORMING USES AND STRUCTURES

11-09.010. - INTENT AND PURPOSE.

Within the zones established by this title or subsequent amendments thereto, there exists lots, structures and uses, which were lawfully established or created, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. It is the intent of this title to permit nonconforming lots, structures and uses to continue. Nonconformities are declared by this title to be incompatible with permitted uses, structure and lots in the zones involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued as long as substantial construction has been started within six months of the issuance of the permit provided that work is carried out diligently.

11-09.030. - Nonconforming buildings and structures.

Where a lawful structure exists as of November 16, 2001 that does not conform to the requirements in this title, such structure may be continued to be used and maintained so long as it remains otherwise lawful, subject to the following provisions:

- A. If a nonconforming structure or nonconforming portion of structure is destroyed by any means to an extent that its replacement cost will exceed 75 percent of its value at the time of destruction, it may only be reconstructed in conformity with the provisions of this title.
- B. The nonconforming structure may be enlarged or altered in way that does not increase its nonconformity, i.e., will not move closer into the setback, will not exceed existing building height maxes, will not exceed max lot coverage, and other zoning requirements as outlined in Title 11.
- C. If the structure is moved for any reason, for any distance, it must be brought into conform to the regulations for the zone in which it is located.
- D. Value. The value of a nonconforming building or structure shall be determined from the International Conference of Building Officials (ICBO) building permit valuation tables in use on the date the damage occurs. The owner of a damaged building or structure may obtain an independent appraisal from a certified professional appraiser.

Maintenance and alterations.

1. Ordinary maintenance and repair of a nonconforming building or structure are allowed.
2. Alterations required by law to meet health and safety regulations are allowed.

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Short-term rental FAQ

SHORT-TERM RENTAL FAQ

While these frequently asked question responses endeavor to answer most concerns from community members, please read the rules in their entirety as outlined in Ordinance No. 2017-33, which can be found [here](#).

What are Type 1 and Type 2 short-term rentals?

"Short-term rental" means temporary lodging for charge or fee at a dwelling for a period of less than one month, or less than 30 continuous days if the rental period does not begin on the first day of the month.

Short-term rental Type 1 means short-term rental at a dwelling that is the owner's principal residence and where either (1) rooms are rented and the owner is personally present at the dwelling during the rental period, or (2) the entire dwelling is rented no more than 90 total days in a calendar year. Portions of calendar days shall be counted as full days. The room(s) for rent may be located within a detached or attached accessory dwelling unit.

Short-term rental Type 2 means short-term rental at a dwelling that is not the owner's principal residence.

What did the City Council decide regarding non owner-occupied Type 2 short-term rentals?

City Council Members voted 5-2 to adopt Ordinance No. 2017-33, which bans new Type 2 short term rentals (non-owner occupied). Non owner-occupied short-term rentals within the city existing prior to Nov. 9, 2017, may potentially continue operation as a non-conforming use – provided that the owners have applied and obtained a

City business registration before November 9, 2017 as well as demonstrated the following (as part of the permit application):

Property was used as a short-term rental during 2017 prior to Nov. 9, 2017

The property continued as a short-term rental as of Nov. 9, 2017

The owner fully and timely paid all applicable taxes for short-term rental use that occurred prior to Nov. 9, 2017.

You can read the ordinance by clicking here.

What if I own a Type 2 short-term rental?

1. You must have applied for and obtained a **City business registration** before Nov. 9, 2017. If you have not, you need only **fill out the first page** of the registration application. Return the form to Development Services, 55 E. Moore Street, Walla Walla, WA 99362 along with the \$45 application fee or email to **permits@wallawallawa.gov**.
2. You must be registered with Department of Revenue to remit your applicable taxes whether that is through registering and obtaining a UBI # or utilizing your SSN. Ultimately a UBI # will be required for your application so Development Services Dept. has been directing applicants who don't currently have a UBI # to obtain one.

1. If you have been operating a Type 2 short-term rental without registering your business with the Washington Department of Revenue (DOR), you may be liable for tax, interest, and penalties. Visit the DOR's **Voluntary Disclosure Program** page for further information on addressing this.

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Short-term rental FAQ

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3. You must complete the application form and apply for a non-owner occupied Type 2 short-term rental permit and return it to Development Services along with a \$150 application fee by Feb. 1, 2018. **The registration form will be available beginning Nov. 20.**
4. You must be current on all applicable tax payments to the Washington State Department of Revenue for an existing Type 2 short-term rental.

What will qualify Type 2 short-term rentals to be considered lawfully established and existing?

1. Only those Type 2 short-term rentals that were lawfully established and existing will be allowed as non-conforming uses. The information outlined below is to be submitted as part of the permit application that will be available **beginning November 20th** for determination of "lawfully established and existing." Use will not be considered lawfully established and existing unless the owner proves all of the following:

1. That a location was used for short-term rental use during 2017 prior to Nov. 9, 2017.
2. That the use was continuing as of Nov. 9, 2017 and not merely intermittent or occasional;
3. That the owner registered the short-term rental use and obtained business registration card from the City of Walla Walla in accordance with Walla Walla Municipal Code chapter 20.142 before Nov. 9, 2017; and
4. That all applicable taxes were paid fully and timely for all short-term rental use that occurred prior to Nov. 9, 2017.

How will I keep my Type 2 short-term rental in good standing?

The permit and license must be renewed annually. Applicable standards of Chapter 20.139 must be met and the following renewal requirements must also be met:

1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.
2. Schedule the annual inspection. Owners are responsible for scheduling the inspection.
3. Renewals must provide proof that Type 2 short-term rental use continued throughout the preceding year. If such use has been discontinued or abandoned, then the Type 2 short-term rental must cease operation. Intent to discontinue and abandon shall be presumed if a location was not rented at least a total of 29 days during the preceding year. Discontinued and abandoned uses may not be reestablished, and no permit or license for a discontinued or abandoned Type 2 short-term rental use shall be renewed.

What if I sell my Type 2 short-term rental?

If the Type 2 short-term rental has been determined to be lawfully established and existing and the use has not been abandoned, then non-conforming status runs with the property. If the new owner continues the property as a Type 2 short-term rental, then the new owner is required to obtain a Type 2 short-term rental permit and license and comply with regulations.

What are the rules regarding nuisance complaints?

Failure of the owner or the authorized agent or local contact of a Type 2 short-term rental to respond to a nuisance complaint to the Walla Walla Police Department arising out of the occupancy and use of the Type 2 short-term rental by a tenant, or the tenant's visitors or guests is a violation and will be fined as follows:

1. First call and violation received is no charge;
2. Second call and violation is \$750.00; and
3. Third call and violation is \$1,000.00; and
4. Fourth call and violation results in revocation of permit and license.

How can I lose my Type 2 short-term permit and license?

1. Type 2 short-term rental use must cease if such use has been discontinued or abandoned. Intent to discontinue and abandon a Type 2 short-term rental use shall be presumed if a location was not rented at least a total of 29 days during the preceding year. An owner may rebut such presumption by presenting proof that the failure to sufficiently rent a location was due to conditions over which the owner had no control. Discontinued and abandoned uses may not be reestablished, and no permit or license for a discontinued or abandoned Type 2 short-term rental use shall be renewed.
2. Type 2 short-term rental use must cease if a location is not rented for short-term use for 6 consecutive months or more. When a location is not rented for Type 2 short-term use for 6 consecutive months or more, the use shall be deemed vacated even if the use has been unintentionally vacated.
3. Type 2 permits and licenses may be suspended, modified, or revoked for violations of Chapter 20.139, for violation of any other law on the premises of the short term rental, or the maintenance of such other conditions as may be shown to be injurious to the public health and safety.

How will the City enforce the ordinance?

The City will enforce the ordinance as we do the other regulations within the municipal code. See Section 20.139.100 of the amended short-term rental regulations and enforcement is process as outlined in Walla Walla Municipal Code Chapter 20.42.

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Isaacs Avenue Phase II Project Open House, Wednesday, March 21, 3:30 - 6:00 p.m., Green Park Elementary Library, 1105 E. Isaacs Avenue.

Comment

Tweets by @CityofWW

City of Walla Walla

@CityofWW

Isaacs Avenue Phase II Project Open House, Wednesday, March 21, 3:30 - 6:00 p.m., Green Park Elementary Library, 1105 E. Isaacs Avenue.

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Short Term Rental Guidesheet

Rev.20160316

Application Process –

1. Complete Short Term Rental permit application.
2. Submit application and required items to City of Spokane Planning and Development
 - a. Application Fee - \$150 initial , \$100 for renewals (required every December)
 - b. Proof of liability insurance for the rental property
 - c. Proof of Spokane Business License (obtainable at the City of Spokane Tax and License Department)
 - d. Copy of required notice and a list with the names and addresses of all property owners and organizations that will receive a letter of notification of short term use (see details below)
 - e. Site plan showing parking location(s)
 - f. Floor plan (Type B applications only – to be reviewed by Fire Department or Plan Reviewer)
 - g. Copies of health permits (if serving food/spa/sauna/pool/smoking areas)
 - h. Proof of lodging tax and retail sales tax (upon renewal, contact Department of Revenue)

Standards and Operating Conditions –

Complete regulations located in [Spokane Municipal Code 17C.316](#)

Definitions

- Short Term Rental is where a residential dwelling unit or bedrooms in a residential unit are rented to overnight guests for fewer than 30 days. Short term rentals are a permitted use in residential zones.
- Type A Short Term Rental is where bedrooms or an entire dwelling unit are rented to overnight guests, and no commercial meetings are held. The Type A short term rental is an administrative permit.
- Type B Short Term Rental is where bedrooms or an entire dwelling unit are rented to overnight guests and commercial meetings are held. The Type B short term rental requires a Type III conditional use permit pursuant to Chapter 17G.60 Land Use Application Procedures.
- Commercial Meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation.

Standards

- On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
- Bedrooms to be rented to overnight guests must meet the building code requirements for a sleeping room at the time it was created or converted, and must meet fire code requirements.
- The total number of adults occupying a dwelling unit with a Type A short term rental may not exceed two (2) adults per bedroom.
- Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the resident or site, such as yard maintenance or house cleaning, is allowed.
- Serving alcohol and food to overnight guests and visitors is allowed, subject to other county and/or state requirements.
- All advertisements for the short term rental must list short term rental permit number.
- All short term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by the city staff upon request.
- For additional standards and conditions for Type B short term rentals contact the City of Spokane Planning staff at 509-625-6188.

Notification

- The owner must prepare a notification letter that:
 - Describes the operation and the number of bedrooms that will be rented to overnight guests; and
 - Includes information on how to contact the owner or operator by phone.
- Mail or deliver the notification letter to all recognized organizations and owners of property abutting and directly across the street from the short term rental upon issuance of short term rental permit.

Renewal

- Short term rental permits are required to be renewed by the end of December every year.
- Renewal fee is \$100
- Taxes must be reported to the Department of Revenue 800-647-7706

Revoking

- A short term rental permit can be revoked if:
 - The owner fails to comply with the regulations listed above and in the Land Use Code
 - Activities on site cause a nuisance or public disruption as defined in the Spokane Municipal Code
- When a short term rental permit has been revoked, a new short term rental permit will not be issued to the owner at that site for 2 years.

Short-Term Rentals

WHAT ARE SHORT-TERM RENTALS?

Short-term rentals are residential units, or in some cases individual rooms within units, in which the owner rents to guests for less than 30 days at a time. Some property owners may desire to use their home to provide such lodging as an alternative to the typical hotel or motel accommodations customarily available to Tacoma visitors. Short-term rentals are allowed in many areas of the City, but there are some limitations and requirements that are designed to help ensure they are operated in a safe manner and do not significantly affect the residential character of the neighborhood.



TYPES OF SHORT-TERM RENTALS

Examples of short-term rentals include bed and breakfast and room and home rentals through services such as AirBNB and VRBO. There are three common types:

- Rental of an entire home for short-term stays
- Rental of an entire separate unit for short-term stays, such as an accessory dwelling unit (ADU) or “mother-in-law unit”
- Rental of individual rooms within a home for short-term stays

DO I NEED TO LIVE THERE?

The owner must reside in the home if renting individual rooms or a separate unit, such as an ADU. If renting the entire home, then the owner is not required to reside there.

HOW MANY ROOMS CAN I RENT?

- You may rent the **entire dwelling** to one family or a group of up to 6 people in *all* Residential, Commercial, Mixed-Use, and Downtown Districts.
- You may rent **an ADU** to up to 4 people in *all* Residential, Commercial, Mixed-Use, and Downtown Districts.
- You may rent **1-2 guest rooms** within an owner-occupied dwelling in *all* Residential Districts, including single-family districts.
- You may rent **3-9 guest rooms**, after receiving an *approved Conditional Use Permit (CUP)*, in R-3, R-4L, R-4, R-5, RCX, and NRX Districts (these are generally residential districts that allow duplex, triplex, and multifamily dwellings).
- You may rent **1-9 guest rooms** in all Commercial, Mixed-Use and Downtown Districts (*except RCX and NRX – see above*).

BEFORE YOU OPERATE A RENTAL:

- Obtain a City of Tacoma Business License from the City’s Tax and License office. A Transient Accommodation License is also required if renting 3 or more individual rooms. Please visit: www.cityoftacoma/taxandlicense.
- Make sure you have a safety sign in each room/unit that shows the location of fire extinguishers, gas shut-off valves, fire exits, and/or fire alarm.
- Make sure you have operating smoke detectors and carbon monoxide detectors.
- Check with the State Department of Revenue regarding their standards and tax requirements: www.dor.wa.gov/docs/pubs/industspecific/homere rentals.pdf

RESOURCES (Tacoma Municipal Code, TMC)

- TMC 13.06.575 – Short Term Rentals
- TMC 13.06.150.C.7 – Short Term Rental in ADUs
- TMC 6B.20 – Annual Business License
- TMC 6B.140 – Transient Accommodations

FOR MORE INFORMATION:

E-mail: PDSzoning@cityoftacoma.org
Phone: (253) 591-5030



Note: This Tip Sheet does not substitute for codes and regulations.

The applicant is responsible for compliance with all codes and regulations, whether or not described in this document.

More information: City of Tacoma, Planning and Development Services | www.tacomapermits.org (253) 591-5030

To request this information in an alternative format or a reasonable accommodation, please call 253-591-5030 (voice).

TTY or STS users please dial 711 to connect to Washington Relay Services.

Chapter 20.139
SHORT-TERM RENTALS

Sections:

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20.139.010 Purpose.

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts. This chapter also establishes a short-term rental permit and license.

B. The provisions of this chapter are necessary to provide adequate housing opportunities to low and moderate income persons and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short-term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities. Maintenance of the city's existing residential neighborhoods is essential to its continued social and economic strength. It is the intent of this chapter to protect housing availability and to minimize the impact of short-term rentals on adjacent residences, and to minimize the impact of the commercial character of short-term rentals. (Ord. 2017-33 § 5, 2017; Ord. 2017-23 § 1 (part), 2017).

20.139.020 Definitions.

The definitions set forth in this section shall apply to short-term rental properties. Definitions contained in Chapter 20.06 also apply.

- A. "Authorized agent" is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- B. "Event" means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.
- C. "Local contact" means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short-term rental.
- D. "Owner" means the person that owns and holds legal and/or equitable title to the property.
- E. "Principal residence" means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.
- F. "Short-term rental" means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.
- G. "Short-term rental type 1" means short-term rental at a dwelling that is the owner's principal residence and where either (1) rooms are rented and the owner is personally present at the dwelling during the rental period, or (2) the entire dwelling is rented for no more than ninety total days in a calendar year. Portions of calendar days shall be counted as full days. The room(s) for rent may be located within a detached or attached accessory dwelling unit.
- H. "Short-term rental type 2" means short-term rental at a dwelling that is not the owner's principal residence. (Ord. 2017-33 § 6, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.030 General requirements.

- A. No owner or property within the Walla Walla city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental permit and license. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.
- B. Only type 1 short-term rentals are allowed within Walla Walla city limits, and no other short-term rentals are permitted. (Ord. 2017-33 § 7, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.040 Application requirements.

In addition to the general application requirements of the designated review level, applicants for a short-term rental permit and license must pay the fees stated herein and provide the following additional information as required on the forms provided by the city:

- A. Verification that the required lodging taxes have been remitted to the Washington State Department of Revenue for an existing short-term rental. If applying for a new short-term rental,

then verification of lodging taxes will be done at the annual renewal of the license.

B. The application fee for a short-term rental permit is one hundred fifty dollars. There shall also be an additional license fee.

C. The annual renewal fee for a short-term rental permit is one hundred fifty dollars. There shall also be an additional license fee.

D. Statement that required parking spaces are available on the subject property. A parking layout shall be shown on the submitted site plan of the subject property.

E. Acknowledgment of receipt and review of a copy of the good neighbor guidelines. In addition, evidence that the good neighbor guidelines have been effectively relayed to short-term rental tenants through the rental contract or posting online or providing in a conspicuous place in the dwelling unit, or other similar method. This will be verified at the inspection.

F. Provide information identifying all websites and other locations where availability of the short-term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short-term rental.)

G. Such other information the development services director or designee deems reasonably necessary to administer this chapter. (Ord. 2017-33 § 8, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.050 Development standards.

A. In addition to the requirements of Chapter 20.127, one additional off-street parking space is required of short-term rentals. The parking spaces must be provided on the property being rented.

B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short-term rentals.

C. Owner must have property insurance and liability coverage for the short-term rental.

D. Short-term rentals are prohibited to be utilized as event space.

E. If the unit is not an owner occupied short-term rental, then a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within twenty-five miles of the Walla Walla city limits.

F. A short-term rental permit and license will not be issued if the owner is not current on lodging tax payments to the Washington State Department of Revenue for an existing short-term rental. If applying for a new short-term rental then verification of lodging taxes paid will be done at the annual renewal.

G. Owner or authorized agent is responsible for providing in a conspicuous location within the short-term rental the good neighbor guidelines.

H. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).

I. Functioning fire extinguisher(s) shall be installed within the short-term rental. Number and location will be determined based on the size of the structure during the inspection process.

J. If the short-term rental property has a pool then the pool must be fenced meeting the requirements of the IRC. (Ord. 2017-33 § 9, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.060 Term of annual permit and license.

A. Short-term rental permits and licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The permit and license must be renewed annually.

Applicable standards of this chapter must be met and the following renewal requirements must also be met:

1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.

2. Owner or authorized agent is responsible for scheduling the annual inspection.

B. The short-term rental permit and license will be issued in the name of the owner. If the property is sold, and the new owner or authorized agent continues the property as a short-term rental then the new owner or authorized agent is required to obtain a short-term rental permit and license and comply with the regulations outlined in this chapter. (Ord. 2017-33 § 10, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.070 Violation and repeat offenses.

A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city as a short-term rental without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.

B. Failure of the owner or the authorized agent or local contact of a short-term rental to respond to a nuisance complaint to the Walla Walla police department arising out of the occupancy and use of the short-term rental by a tenant, or the tenant's visitors or guests, is a violation and will be fined as follows:

1. First call and violation received no charge;
2. Second call and violation received seven hundred fifty dollars;
3. Third call and violation received one thousand dollars; and

4. Fourth call and violation received permit and license revoked.

C. In addition to any other remedy provided by this chapter, a short-term rental permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the short-term rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.

D. A violation of Chapter 10.13, Stopping, Standing and Parking, as well as Title 8, Health and Safety.

E. Violation of this chapter shall be processed as outlined in Chapter 20.42.

1. The development services director shall determine whether a short-term rental permit and license should be suspended, modified, or revoked, and notify the applicant of that determination in writing.

2. The development services director's determination under subsection (E)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

F. Violation of this chapter is additionally declared to be a nuisance. (Ord. 2017-33 § 11, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.080 Denial of application for a short-term rental.

An application for a short-term rental shall be denied if the approving authority finds that either the application or record fail to establish compliance with the provisions of this chapter. When any application is denied, the approving authority shall state the specific reasons, and shall cite the specific provisions and sections of this code on which the denial is based. (Ord. 2017-23 § 1 (part), 2017).

20.139.090 Appeal.

Decisions regarding short-term rentals may be appealed to the appropriate appellate body as prescribed in Chapter 20.38, Closed Record Decisions and Appeals. (Ord. 2017-23 § 1 (part), 2017).

20.139.100 Elimination of type 2 short-term rentals.

A. Short-term rental type 2 is not a permitted use in the city of Walla Walla.

B. Only those type 2 short-term rentals that were lawfully established and existing as of November 9, 2017, will be allowed as nonconforming uses. Such uses may not be significantly changed, altered, extended, or enlarged and must cease as provided herein. A use shall not be considered lawfully established and existing unless the owner proves all of the following:

1. That a location was used for short-term rental use during 2017 prior to November 9th;

2. That the use was continuing as of November 9, 2017, and not merely intermittent or occasional;
3. That the owner registered the short-term rental use and obtained a business registration card from the city of Walla Walla in accordance with Chapter 20.142 before November 9, 2017; and
4. That all applicable taxes were fully and timely paid for all short-term rental use that occurred prior to November 9, 2017.

C. Type 2 short-term rentals established and existing as of November 9, 2017, must obtain a short-term rental permit and license, and must apply for such permit and license by no later than February 1, 2018. In addition to the information required by Chapter 20.14 and Section [20.139.040](#), the applicant must provide proof of a lawfully established and existing short-term type 2 rental use predating November 9, 2017, as provided in subsection B of this section and the scope and extent of such use. Failure to timely apply for a short-term rental permit and license or to provide proof of lawful use shall be conclusive evidence that such use was not lawfully established or existing as of November 9, 2017, and neither a permit nor a license shall be issued for such locations.

1. The development services director shall determine whether a type 2 short-term rental use was lawfully established and existing as of November 9, 2017, and notify the applicant of that determination in writing.
2. The development services director's determination under subsection (C)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

D. Type 2 short-term rentals must meet the requirements of Sections [20.139.040](#) and [20.139.050\(B\)](#) through (J). Failure to satisfy such requirements shall be grounds for imposition of penalties and suspension, modification or revocation of permits and licenses as provided in Section [20.139.070](#). Revocation of a short-term rental permit or license for noncompliance shall terminate any right to continue type 2 short-term rental use; such use must immediately cease upon permit or license revocation, and type 2 short-term rental uses may not be reestablished at such locations.

E. Permits and licenses for short-term rentals must be timely renewed each year. Renewal applications must provide proof that type 2 short-term rental use continued throughout the preceding year. Type 2 short-term rental use must cease if such use has been discontinued or abandoned. Intent to discontinue and abandon a type 2 short-term rental use shall be presumed if a location was not rented at least a total of twenty-nine days during the preceding year. An owner may rebut such presumption by presenting proof that the failure to sufficiently rent a location was due to conditions over which the owner had no control. Discontinued and abandoned uses may not be reestablished, and no permit or license for a discontinued or abandoned type 2 short-term rental use shall be renewed.

1. The development services director shall determine whether a type 2 short-term rental use has been discontinued or abandoned, and notify the applicant of that determination in writing.

2. The development services director's determination under subsection (E)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

F. Type 2 short-term rental use must cease if a location is not rented for short-term use for six consecutive months or more. When a location is not rented for type 2 short-term use for six consecutive months or more, the use shall be deemed vacated even if the use has been unintentionally vacated.

1. The development services director shall determine whether a type 2 short-term rental use has been vacated, and notify the applicant of that determination in writing.

2. The development services director's determination under subsection (F)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter 20.38.

G. Taxes and fees for type 2 short-term rental uses must be timely and fully paid. Failure to timely and fully pay any applicable taxes or fees shall be deemed discontinuance of type 2 short-term rental use, and such use must immediately cease. Type 2 short-term rental uses may not be reestablished at such locations until delinquent taxes and fees are fully paid. (Ord. 2017-33 § 12, 2017).

Tiny Homes: Coming to a Neighborhood Near You?

December 30, 2015 by [Steve Butler](#)

Category: [Development Regulations and Zoning](#)



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

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

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

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

What is Considered a Tiny Home?

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

Zoning for Tiny Homes

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

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

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

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

Tiny Homes as Temporary Housing vs. Permanent Dwelling Units

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

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

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

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

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

Need for More Clarity on Tiny Homes

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

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

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

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



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. He received a B.A. from St. Lawrence University (Canton, New York) and a M.S. in Urban and Regional Planning from the University of Wisconsin-Madison. Steve has served as president of statewide planning associations in both Washington and Maine, and was elected to the American Institute of Certified Planner’s College of Fellows in 2008.

[VIEW ALL POSTS BY STEVE BUTLER](#) ▶

Comments

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

"Even a tiny house with lower insulation will use significantly less energy than an "average" sized home. Although the minimum insulation values by the codes applicable to RVs are usually exceeded in the case of a factory assembled structure. They are also easily met with wood framed construction of a typical tiny home on wheels, which if built by an individual does not require a LNI approved design. The owner can save all receipts and get the home inspected by the DOL for road safety and a vin can be issued as a home-built RV. It can also be classified as a "cute load" on a trailer. Rather than talking about the challenges, mention the positives. The options available to people. As someone earlier mentioning Ocean Shores local zoning allowing RVs for a primary residence. You can also recreate in your own backyard (for varying amounts of time) in some cities, towns and counties - under certain conditions while living in an existing home on the property. There is also a caretaker clause available in some communities allowing you to live full-time in a tiny house on wheels or RV as a caretaker for an elderly or sick person on the same property."

Sean on Jan 2, 2016 10:32 PM

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

Cary Siess on Dec 31, 2015 12:37 PM

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

Mishael Olson on Dec 31, 2015 10:05 AM

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

Julia Gibb on Dec 30, 2015 3:07 PM

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

Glen DeVries on Dec 30, 2015 2:55 PM

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

Cynthia on Dec 30, 2015 1:55 PM



Other Mobile or Modular Structures

We need your feedback! [Help us improve L&I's website.](#)

The following list involves structures other than [mobile and manufactured homes](#) that require permits:

- **Modular buildings:** Buildings which are constructed in factories and at other offsite locations and then shipped to Washington must be approved by L&I. This includes equipment shelters that can be entered by personnel. To get a permit, submit plans showing the design and construction of the buildings. [Download an information packet for Modular Building Manufacturers](#) (1.2 MB PDF). Alterations require an L&I permit unless the building is being installed on a permanent foundation. In that case, permits from the city of jurisdiction and the L&I Electrical program are required.
- **Temporary Worker Housing (TWH):** TWH units fabricated in factories and being shipped to Washington State must be inspected by L&I as they are constructed. To get a permit, submit plans showing the design and construction of the buildings. [Download an information packet for TWH Manufacturers](#) (690 KB PDF).
- **Recreational vehicles and park trailer:** All RVs and Park Model RVs that are for sale or lease in Washington State must bear an L&I approval label. To get a permit, submit plans showing the design and construction. [Download an information packet for Recreational Vehicles](#) (721 KB PDF) or [download an information packet for Recreational Park Trailer Manufacturers](#) (699 KB PDF).
- **Commercial coaches:** Commercial coach trailers must be inspected and approved by L&I. To get a permit, submit plans showing the design and construction of the unit. [Download an information packet for Commercial Coach Trailer Manufacturers](#) (845 KB PDF). Alterations also require an [L&I permit and inspection](#).
- [See examples of labels for these structures.](#)

Here's how to submit plans:

- Mail the plans to the [L&I office](#) nearest you.
- Walk in to the [L&I office](#) nearest you.



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[Help us improve](#)

Meagan Bailey

From: Grant Morgan <garfeng@co.garfield.wa.us>
Sent: Wednesday, March 14, 2018 8:30 AM
To: Meagan Bailey; Karst Riggers; Don Brigham; Elizabeth Chamberlain; Bretveld Steve; Allan Giffen
Subject: RE: Tiny Homes?

We do not have any restrictions for wheeled tiny homes. I would assume we would apply building code standards for any size of home on a foundation.

Grant

From: Meagan Bailey [mailto:Meagan_Bailey@co.columbia.wa.us]
Sent: Tuesday, March 13, 2018 3:14 PM
To: Karst Riggers <kriggers@co.asotin.wa.us>; Don Brigham <donbrigham6969@gmail.com>; Grant Morgan <garfeng@co.garfield.wa.us>; Elizabeth Chamberlain <echamberlain@wallawallawa.gov>; Bretveld Steve <building@colfaxwa.org>; Allan Giffen <AGiffen@everettwa.gov>
Subject: Tiny Homes?

Good afternoon—

I am emailing in the hopes of gathering some information regarding Tiny Homes in your jurisdiction. If you have time and could reply to the following questions, I would greatly appreciate it.

1. Do you *allow* Tiny Homes?
2. If you do, are they to be used as a Short-Term basis only? Or can they be “placed” and used long-term? Or both?
3. If you do, is the use permitted outright, or conditionally?
4. Fee schedule? Any specific fees for using/placing these in your jurisdiction?
5. Any other applicable details I didn’t ask?

Any information would be greatly appreciated! The Planning Commission is just now started to research these, so if you have copies of ordinances or applicable literature, feel free to send it over.

Thank you in advance,

Meagan Bailey
Planning Director
Columbia County Planning and Building
p: 509-382-3940 m: 208-964-4375
a: 114 S. 2nd Street
Dayton Washington, 99328
e: meagan_bailey@co.columbia.wa.us

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Meagan Bailey

From: Karst Riggers <kriggers@co.asotin.wa.us>
Sent: Tuesday, March 13, 2018 3:55 PM
To: Meagan Bailey
Subject: RE: Tiny Homes?

Meagan,

We would allow tiny homes but require them to be set up permanently like a house, and permit them just like a house. Further, we would consider them a primary dwelling and would only allow one per lot (with no other home). If they are using them on a temporary basis, they would meet the definition of a RV and would need to be located in an RV park, or may be allowed to stay on private property for up to 60 days annually.

Karst

From: Meagan Bailey [mailto:Meagan_Bailey@co.columbia.wa.us]
Sent: Tuesday, March 13, 2018 3:14 PM
To: Karst Riggers; Don Brigham; Grant Morgan; Elizabeth Chamberlain; Bretveld Steve; Allan Giffen
Subject: Tiny Homes?

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Dayton Washington, 99328
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Meagan Bailey

From: Allan Giffen <AGiffen@everettwa.gov>
Sent: Tuesday, March 13, 2018 3:46 PM
To: Meagan Bailey; Karst Riggers; Don Brigham; Grant Morgan; Elizabeth Chamberlain; Bretveld Steve
Subject: RE: Tiny Homes?

Hello Meagan –

1. If by “tiny homes” you mean as a secondary dwelling on a lot with a principal dwelling, we do allow detached accessory dwelling units (DADU) in single family zones.

If you mean as the only dwelling on a lot, we do not regulate the minimum size of a house provided it meets all building code requirements and zoning standards, so in that situation a tiny house would be permitted as a principal dwelling. In either situation, the tiny home would have to be on a permanent foundation.

2. In either of the above cases, there would be no time restriction on the occupancy of the dwelling unit.
3. The DADU is permitted by right. No public notification is required
4. Fees are just our standard building permit fees.
5. We do have some basic design standards for DADU’s. We do not allow tiny houses on wheels or travel trailers to be occupied on any lot.

See our regulations below:

19.07.030 Accessory dwelling units.

The regulations in this section shall apply to accessory dwelling units (ADUs), whether attached or detached. The term “ADU” as used in this section shall apply to either attached or detached accessory dwelling units. The term “DADU” as used in this section shall apply only to detached accessory dwelling units. In the event there is a conflict between the provisions of this section or any other provision of the EMC, the provisions of this section shall control.

- A. Accessory Dwelling Units (ADUs), Where Permitted. An ADU shall be permitted as an accessory use to the principal dwelling unit in the zones indicated in Use Table No. 5.1 on any legally established lot, provided it complies with the provisions of this section. In the core residential area and other zones that allow single-family attached or multiple-family dwellings, the development standards applicable to those zones shall apply to development of more than one dwelling on a lot rather than this section.
- B. Review Process. ADUs shall be permitted subject to Review Process I as defined in EMC Title [15](#).
- C. Owner Occupancy Required. Either the principal dwelling unit or the ADU shall be occupied by the owner of the property as his or her principal residence. Prior to issuance of a permit for an accessory dwelling unit, the property owner shall submit to the city a signed affidavit affirming that the owner occupies the principal dwelling as his or her principal residence, and will occupy either the principal dwelling or accessory dwelling after completion of the accessory dwelling unit. The owner shall record a covenant with the Snohomish County auditor, approved by the director, that shall run with the land as long as the ADU is maintained on the property. The property owner shall submit proof that the covenant has been recorded with the Snohomish County auditor’s office prior to issuance of the building permit.

- D. An ADU shall not be segregated from the ownership of the principal dwelling through a subdivision, condominium, or any other process.
- E. Only one ADU is permitted on a lot.
- F. An ADU shall not be permitted on a lot with more than one dwelling unit.
- G. Off-Street Parking.
1. A minimum of one off-street parking space above what is required for the principal dwelling shall be provided for the ADU.
 2. When abutting an alley, the required parking for the principal and accessory dwelling units shall be accessed from the alley, unless there is an existing legally established driveway connecting to a public street.
 3. The requirement for one off-street parking space for the ADU may be waived by the planning director, using Review Process II as defined in EMC Title [15](#), when all of the following circumstances apply:
 - a. The property is not located in a residential parking permit zone (Chapter [46.30](#)); and
 - b. The property has frontage on a public street; and
 - c. There are at least two on-street parking spaces in front of the subject property; and
 - d. There is a public transit stop located within one-quarter mile walking distance of the property with a safe walking path to the transit stop.
- H. The property owner shall certify to the city no later than April 1st of each year that the owner occupies one of the dwellings as his or her principal residence. Any person who fails to report or falsely certifies that he or she resides in a dwelling unit at the stated address shall be subject to the enforcement and penalty provisions of Chapter [1.20](#).
- I. A permit for an ADU shall automatically expire, and the building shall be brought into conformance with the zoning code, whenever:
1. The ADU is substantially altered and is no longer in conformance with the standards of this section;
 2. The owner ceases to reside in either the principal or the accessory dwelling unit.
- J. An ADU shall not exceed seventy-five percent of the gross floor area of the principal dwelling, or eight hundred square feet, whichever is less; provided, that the city may allow increased size if the ADU is located completely on a single floor in order to efficiently use all floor area. This process is available only for buildings existing:
1. On the effective date of Ordinance No. 3534-17 (March 8, 2017); or

2. At least three years prior to the date of application for conversion to an accessory dwelling unit.

K. Minimum Rear Setback.

1. Alley Lots. An ADU shall have no minimum rear setback.

2. Non-Alley Lots. Twenty feet; provided, that the city, using Review Process II as defined in EMC Title [15](#), may allow a DADU to have a minimum rear setback of five feet if the building does not exceed eighteen feet in height within the rear twenty feet of the lot.

L. Building Height. The maximum permitted building height for a detached ADU shall be:

1. Alley lots: twenty-four feet.

2. Non-alley lots: twenty-four feet; provided, however, that the maximum height shall not exceed eighteen feet in height when located within the rear twenty feet of the lot.

3. The planning director may authorize a greater height limit to match existing roof pitch of the principal dwelling using Review Process II as defined in EMC Title [15](#), up to a maximum height of twenty-eight feet.

M. Lot Coverage. The maximum lot coverage standard for the underlying zone shall apply to all buildings on the lot; provided, that it may be increased, using Review Process II as defined in EMC Title [15](#), by an additional five percent of the lot area if necessary to allow a DADU on an existing developed lot that meets all other requirements of this section.

N. Design Standards. An ADU shall meet the design standards in this section. A property owner may request that the planning director modify the design standards, using Review Process II as defined in EMC Title [15](#). The planning director shall consider the impact that the requested modification will have on abutting properties in terms of aesthetics, privacy, view impacts, and compatibility with the character of other dwellings.

1. Attached ADUs. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, however, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this section.

2. Historic Overlay Zones. On lots located in the historic overlay zone, an attached ADU shall comply with the standards of subsection N.1 of this section. A DADU shall comply with the development and design standards of the H overlay zone for infill dwelling units.

3. Detached ADUs. The planning director shall promulgate a design manual of examples and best practices for the design of DADUs and compatibility with the surrounding neighborhood. The city shall have the authority to require changes to the design of a DADU that is not consistent with best practices identified in the design manual. In addition:

- a. The DADU shall be designed to give the appearance that it is secondary to the principal dwelling.
 - b. Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling.
 - c. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.
- O. Legalization of Illegal ADUs.
- 1. An illegal ADU is an ADU which does not fully comply with the provisions of this section and all other applicable codes. An illegal ADU, whether attached or detached, may be legalized provided it can be made to fully comply with the provisions of this section and all other applicable codes.
 - 2. If the property owner takes all actions necessary to legalize the ADU within two years of the effective date of this section, the additional fees required by Section [16.72.070](#) shall be waived. (Ord. 3546-17 § 1, 2017; Ord. 3534-17 § 7, 2017)



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From: Meagan Bailey [mailto:Meagan_Bailey@co.columbia.wa.us]

Sent: Tuesday, March 13, 2018 3:14 PM

To: Karst Riggers <kriggers@co.asotin.wa.us>; Don Brigham <donbrigham6969@gmail.com>; Grant Morgan <garfeng@co.garfield.wa.us>; Elizabeth Chamberlain <echamberlain@wallawalla.gov>; Bretveld Steve <building@colfaxwa.org>; Allan Giffen <AGiffen@everettwa.gov>

Subject: Tiny Homes?

Good afternoon—

I am emailing in the hopes of gathering some information regarding Tiny Homes in your jurisdiction. If you have time and could reply to the following questions, I would greatly appreciate it.

1. Do you *allow* Tiny Homes?
2. If you do, are they to be used as a Short-Term basis only? Or can they be “placed” and used long-term? Or both?
3. If you do, is the use permitted outright, or conditionally?
4. Fee schedule? Any specific fees for using/placing these in your jurisdiction?
5. Any other applicable details I didn’t ask?

Any information would be greatly appreciated! The Planning Commission is just now started to research these, so if you have copies of ordinances or applicable literature, feel free to send it over.

Thank you in advance,

Meagan Bailey
Planning Director
Columbia County Planning and Building
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Code of Ordinances



Dayton, Washington - Code of Ordina... / Title 17 - CRITICAL AREAS CODE / CHAPTER 17-02. - FREQUENTLY FL...



Dayton, WA Code of Ordinances

CODE OF ORDINANCES CITY OF DAYTON, WASHINGTON

SUPPLEMENT HISTORY TABLE modified

Comments in red text boxes are per an ordinance review by Lynn Schmidt, Ecology Flood Engineer, 3/12/2018.

- Title 1 - ORGANIZATION AND ADMINISTRATION
- Title 2 - FINANCE AND MANAGEMENT
- Title 3 - BUSINESS AND OCCUPATIONS
- Title 4 - PUBLIC SERVICES
- Title 5 - BUILDINGS
- Title 6 - HEALTH, SAFETY AND SANITATION
- Title 7 - TRAFFIC AND PARKING
- Title 8 - STREETS AND PUBLIC WAYS
- Title 9 - DAYTON CRIMINAL CODE
- Title 10 - ADMINISTRATION OF DEVELOPMENT REGULATIONS
- ▼ Title 11 - ZONING CODE
 - CHAPTER 11-01. - GENERAL PROVISIONS AND DEFINITIONS
 - CHAPTER 11-02. - DESIGNATION AND ESTABLISHMENT OF ZONING DISTRICTS
 - CHAPTER 11-03. - RESIDENTIAL ZONES
 - CHAPTER 11-04. - COMMERCIAL ZONES
 - CHAPTER 11-05. - INDUSTRIAL ZONE
 - CHAPTER 11-06. - OPEN SPACE AND PUBLIC ZONES
 -

Please see comments on pages 5 and 7 below. These two revisions are needed to bring the ordinance into compliance with the NFIP minimums.

17-02.010. - Intent—Reducing flood losses.



In order to accomplish its purposes, this title includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards to other areas.

(Ord. No. 1841, § 2(Att. C), 11-12-2013)


17-02.020. - Applicability.



This chapter applies to all areas of special flood hazards within the jurisdiction of the City of Dayton.

(Ord. No. 1841, § 2(Att.

in a scientific and engineering report entitled "The Flood Insurance Study for Columbia County" dated May 4, 1988, and any revisions thereto,



17-02.022. - Establishing areas of special flood hazard.



The areas of special flood hazard identified by the Federal Insurance Administration (~~44 CFR 60.3(c)(1)(d)(2)~~) with an accompanying flood insurance rate map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this title. The flood insurance study and the FIRM are on file at City Hall. The best available information for flood hazard area identification as outlined below shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized.

When base flood elevation data has not been provided (A zones) in accordance with this section, the planning director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer DMC 17-02.033, specific standards.

(44 CFR 60.3(b)(5)(III)).

(Ord. No. 1841, § 2(Att. C), 11-12-2013)

17-02.025. - Alteration of watercourses.

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Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator, (44 CFR 60.3(b)(6)). All permits of federal and state agencies must be obtained prior to any alteration or relocation.

Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.



(Ord. No. 1841, § 2(Att. C), 11-12-2013)

17-02.026. - Interpretation of firm boundaries.

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Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 17-01.090.

(Ord. No. 1841, § 2(Att. C), 11-12-2013)

17-02.027. - Warning and disclaimer of liability.

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The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of the City of Dayton, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this title or any administrative decision lawfully made hereunder.

(Ord. No. 1841, § 2(Att. C), 11-12-2013)

17-02.028. - Variance criteria and conditions.

⋮

- A. *Variances for historic structures.* Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The structure or building must be a bona fide