



CITY OF NAPAVINE PLANNING COMMISSION MEETING
Monday – June 5, 2023 – 6:00 PM

Deborah Graham,
Position 1

Amy Hollinger
Position 2

Arnold Haberstroh,
Position 3

Amy Morris
Position 4

Scott Collins
Position 5

Bryan Morris
PW/CD Director

City of Napavine
407 Birch Ave SW
P O Box 810
Napavine, WA 98565
360-262-3547

City Website
www.cityofnapavine.com

I. PLEDGE OF ALLEGIANCE

II. INVOCATION

III. CALL TO ORDER

IV. ROLL CALL

V. APPROVAL OF AGENDA – As Presented

VI. APPROVAL OF MINUTES

1) Planning Commission Meeting Minutes – May 15, 2023

VII. OLD BUSINESS

1) Review Chapter 17.44.070 – Standards for recreational vehicle parks.

2) Adult Family Home/Residential Care Facility Codes-Review

1) NMC 17.08.017 Adult Family Home Definition

2) NMC 17.08.306 Residential Care Facility Definition

VIII. NEW BUSINESS

1) Review Chapter 17.60.020 Habitation in Recreation Vehicles

IX. CONSIDERATION

1) Short Term Rentals

X. CITIZEN COMMENT

XI. GOOD OF THE ORDER

XII. ADJOURNMENT

**Planning Commission Meeting is held in person and via
Teleconference.**

Teleconference Information

Dial-in number (US): (720) 740-9753

Access code: 8460198

To join the online meeting:

<https://join.freeconferencecall.com/rdenham8>



NAPAVINE PLANNING COMMISSION MINUTES
May 15, 2023 6:00 P.M.
Napavine City Hall, 407 Birch Ave SW, Napavine, WA

PLEDGE OF ALLEGIANCE:

INVOCATION: Invocation was led by Commissioner Collins.

CALL TO ORDER:

Commissioner Graham opened the regular Planning Commission meeting to order at 6:00 PM

ROLL CALL:

Planning Commission present: **Commissioner Graham, Commissioner Morris, Commissioner Collins, and Commissioner Hollinger.** Commissioner Haberstroh was late, arrived at 6:06 pm.

APPROVAL OF AGENDA – As presented:

Commissioner Hollinger motioned to approve the agenda as presented, seconded by Commissioner Morris. Vote on motion 3 aye, 0 nay.

APPROVAL OF MINUTES:

Commissioner Morris motioned to approve minutes from the Planning Commission Meeting on May 1, 2023, seconded by Commissioner Morris. Vote on motion 3 aye and 0 nay

OLD BUSINESS:

1. **Review Chapter 17.44.070 – Standards for recreational vehicle parks.**

Director Morris stated staff made the recommendations from the prior meeting. **Executive Assistant Katie Williams** stated that she included codes from Marysville and Cle Elum for Planning to look over. Discussion was held and changes to the code are below. **Director Morris** stated that he will confirm that rv parks are only allowed under a planned unit development.

Section H. changed twenty two feet to twenty road width.

Section R. put a percentage of 25% on the required hook ups, instead of “majority”

Section S. Park must have sewer dump station available for tenants only.

Commissioner Collins motioned to table and staff to bring back to next meeting with changes, seconded by Commissioner Hollinger. Vote on motion 4 aye and 0 nay.

CONSIDERATION:

Adult Family Home/Residential Care Facility Codes - Review

Executive Assistant Katie Williams briefed the Planning Commission on the process of changing the sections of these codes. Discussion was had on researching reasonable accommodations, Katie will bring a few examples of other cities to the next meeting. The Planning Commission requested to move these items to Old Business at the next meeting.

GOOD OF THE ORDER:

Director Morris reminded Planning Commission that Planning has a joint meeting with Council on May 23rd regarding the HAP Draft.

Paster Kyle with Bethel thanked the Planning Commission for everything they do for the community. Spoke to the Planning Commission about wanting to engage and help the community with the city, together as one.

ADJOURNMENT 7:44 pm

Commissioner Morris motioned to adjourn, seconded by **Commissioner Haberstroh** Vote 4 aye, 0 nay.

These minutes are not verbatim. If so desired, a recording of this meeting is available online at <https://fccdl.in/OtxJe4oi2L>

Respectfully submitted,

Bryan Morris, Community Development/Public Works Director

Planning Commission Chairperson

- **17.44.070 - Standards for recreational vehicle parks.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Recreational vehicle parks developed or enlarged after the effective date of the ordinance codified in this title shall be designed and developed in accordance with the following conditions and limitations:

- A. The minimum site area shall be three acres.
- B. The maximum length of stay of any unit shall be one hundred eighty days.
- C. Landscaping shall be provided around the perimeter of the site as approved by the board of adjustment.
- D. There shall be a minimum of ~~ten~~ **fifteen** feet of separation maintained between all recreational vehicle pads.
- E. One off-street parking stall shall be provided for each designated recreational vehicle space.
- F. The following facilities shall be provided in accordance with rules and regulations promulgated by the director of the county health department:
 - 1. Laundry facilities.
 - 2. Toilets;
 - 3. Bathing facilities;
 - 4. Garbage disposal facilities.
- G. A minimum of five percent of the site shall be provided for recreational activity for the occupants of the park. The area shall be exclusive of the required perimeter buffer area, centrally located and of such grade and surface to be suitable for active recreation.
- H. Internal circulatory roads shall provide access to each space and shall have a minimum driving surface of ~~twenty-two~~ **twenty** feet in width and shall be constructed with a road base and surface in accordance with the adopted county road standards for local access streets.
- I. Access to the site shall be over a ~~county or state maintained~~ **City of Napavine** road improved to county standards as determined by the department of public works and transportation.
- J. Pedestrian walkways shall be provided to the service building(s), recreational activities and adjacent public street(s). Walkways shall be of a hard, durable, all-weather surface and a minimum width of ~~four~~ **five** feet.
- K. Surface water runoff shall be controlled in accordance with county standards.
- L. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.

M. All public streets abutting the site shall be improved to county standards in accordance with the adopted road standards for the classification of road involved.

N. Water supply shall be provided subject to the approval of the county fire marshal.

O. Garbage disposal facilities shall be provided in accordance with applicable county board of health rules and regulations, and subject to approval of the health department.

P. Electrical service connections shall meet state Department of Labor and Industries standards.

Q. Manufactured recreational vehicles only, No alterations, No tarps, No temporary or permanent additions

R. Twenty-five percenty (25%) of the recreational vehicle sites must be full hook up sites. (water, sewer and electrical)

S. Park must have sewer dump station available for tenants only.

T. Park must have on site management at all times

U. Park must allow police access at all times

~~(Ord. 163 § 4.8.13, 1989)~~

17.08.305 - Recreation vehicle park.

"Recreation vehicle park" means a residential use in which a tract of land is rented temporarily, for a period of one hundred twenty days or less, for the use of two or more recreational vehicles occupied and used as a dwelling unit.

(Ord. 163 § 2.2 (part), 1989)

17.51.010 Recreational vehicles, recreational vehicle parks, and camping.

A. *Purpose.* The purpose of this section is to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare; environmental considerations such as those covered by critical areas, flood hazard protection, and shoreline development regulations; convenience of the occupants of such recreational vehicle parks; and the citizens of the city.

B. *Definitions.* If definitions, rules and regulations defined in this section conflict with provisions of other city ordinances, the provisions of this section shall prevail.

“Mobile home” means a transportable residential structure fabricated at a factory not in accordance with the Uniform Building Code nor with the standards of the Federal Manufactured Home Construction and Safety Standards (HUD Code enacted on June 15, 1976), and designed for transportation on its own chassis. Mobile homes within the city of Cle Elum are considered nonconforming structures by definition under CEMC Section [17.08.300](#).

“Park model recreational vehicle (PMRV)” means a tiny home or similar dwelling structure with wheels and a chassis. A PMRV with its wheels taken off and mounted on a foundation will still be viewed as a temporary or recreational use and not a permanent dwelling. PMRVs are only permitted for temporary use in Washington State, unless in a mobile home park (RCW [35.21.684](#) and [36.01.225](#)). PMRVs must adhere to applicable snow load requirements for Cle Elum, or as approved by the city building official.

“Recreational vehicle” or “RV” means a vehicle or portable structure built on a chassis and designed to be used for temporary occupancy or travel occupancy or for travel, recreational or vacation use. RVs include, but are not limited to, fifth wheels, truck campers, motor homes, travel trailer, camping trailers, tent trailers and PMRVs. An RV shall be of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries by the attachment of their official “Green” seal.

“Recreational vehicle park” or “RV park” means a tract or parcel of land upon which two or more recreational vehicle sites are located, principally used for occupancy by predominantly RVs as temporary living quarters for recreation or vacation purposes with a maximum allowable stay per vehicle of one hundred eighty days; or as conditioned within the conditional use permit, annexation agreement, and/or development agreement as appropriate.

“Recreational vehicle site” or “RV site” means a plot of ground within an RV park intended for temporary location of an RV as a dwelling unit for recreation or vacation purposes with sewage facilities approved by the appropriate jurisdiction.

“Sanitary station” or “sanitary dumping station” means a facility used for removing and disposing of wastes from RV sewage holding tanks.

C. *General Requirements.*

1. No RV shall be occupied overnight for commercial purposes anywhere in the city. Exceptions to the rule may be permitted by the city at the city's discretion as listed below:

- a. Contractors granted a city building permit during the authorized construction phase of a project;
- b. A homeowner building a permanent home on site;
- c. Nonprofit corporations and charities for a period of no longer than ten consecutive days;
- d. Special events, recognized and authorized by an approved event application with the city.

2. Unless otherwise included in a conditional use permit, annexation agreement, or development agreement issued by the city and regulated by RV park management, no external appurtenances, such as carports, cabanas, or patios, may be attached to any RV while it is in an RV park. There shall be no outside storage of materials or appliances. This may include, but is not limited to: construction materials, scrap metal, refrigerators, furniture typically found inside a home such as couches, or commercial equipment.

3. No space within an RV park shall be rented for any purpose other than those expressly allowed by this section.

4. No person, company, or corporation shall establish or modify an RV park without first complying with the provisions of this section.

D. *Criteria for Locating an RV Park.* RV parks may only be established on property within which meets the following criteria:

1. RV parks may be allowed in the following zones of the city:

Multiple-Family Residential District	Industrial District
Entry Commercial District	General Commercial District
Planned Mixed Use District	

2. After development, the conditions of the soil, groundwater level, drainage and topography shall not create hazards to the property or to the health and safety of the occupants or others as determined by the city.

3. RV parks must be located with direct access to a street with a minimum right-of-way width of forty feet; or such park must have been designed to provide for adequately safe ingress and egress to and from a public street with adequate frontage thereon to permit appropriate access to and from the park.

E. *Conditional Use Permit Required.* An RV park will be allowed only upon the issuance of a conditional use permit. The owner, operator, and occupants of an RV park must develop and use the RV park in strict compliance with the conditions imposed by the conditional use permit or those agreed to as part of an annexation agreement or development agreement.

F. *Site and Design Review.* The conditional use permit process or equivalent annexation agreement or development agreement or both will include a site and design review in accordance with CEMC Chapter [17.76](#). An approved site and design review will constitute an integral part of the permit or agreements for the RV park, and will be binding upon the owner of the property, its successors and assigns. All development within the RV park must be consistent with the approved site and design review.

G. *Completion Prior to Occupancy—Phasing.* All required site improvements, including uses other than the RV park, and other conditions of the permit and site and design review, must be identified or met prior to occupancy of any site by any RV; provided, completion may be accomplished in phases if such phases are identified and approved in the permit or agreements.

H. *Design Standards.* The following are minimum design standards for RV parks:

1. *Minimum Site Area.* The minimum size of an RV park, inclusive of areas used for roads and utility corridors, is one acre or as approved by city public works, planning, and building departments.
2. *Density.* The number of RVs permitted in an RV park shall not exceed a density of twenty units per gross acre. During the permit review, the density may be limited further to ensure compatibility with the surrounding area.
3. *RV Site.*
 - a. Each individual RV site shall be not less than eight hundred square feet in size.
 - b. All RV sites shall have a minimum width of twenty feet.
4. *Access Points.* Entrances and exits to the RV park may be shared with any abutting or adjacent uses if approved by the city, so long as access is adequately designed for safe and convenient movement of vehicular traffic into and out of the RV park, and there is minimal friction with free movement of traffic on adjacent city streets. All traffic into and out of the RV park must be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections must be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which violates the city building code, CEMC Chapter [15.04](#).
5. *Parking.* At least one parking space shall be provided on each RV site or in a location within reasonable proximity to the site/sites, as approved by the conditional use permit or agreements. At least one parking space for each eight RV sites must be provided for visitor parking in the RV park.
6. *Internal RV Park Roads.* All internal RV park roads must be privately owned and maintained. RV park roads must observe the following minimums:

- a. Twelve feet of width per each travel lane and eight feet of width per each parking lane.
- b. Roads must be constructed of an all-weather surface and maintained with adequate dust control program which must be submitted with the RV park application.

7. *Open Space/Recreational Facilities.* A minimum of five percent of the RV park must be set aside and maintained as open space for the recreational use of RV park occupants. Such space and location must be accessible and usable by all residents of the RV park for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space. The percentage requirements may be reduced if substantial and appropriate recreational facilities are provided, i.e., recreational buildings, basketball courts, swimming pool, pedestrian trails, shoreline amenities, etc. The satisfaction of open space requirements will be evaluated on a case-by-case basis.

8. *Setbacks.* No RV site shall be closer than twenty-five feet from any exterior park property line abutting upon a major arterial, or residential zone, or ten feet from any other exterior RV park property line. Permanent structures within an RV park must have front and rear yards of twenty feet each, and minimum side yards of ten feet each or as decided by city public works, planning, and building departments.

9. *Landscaping/Screening.* The RV park must provide visual screening and landscaping, discussed during site and design review and as follows:

- a. RV parks must be enclosed by a fence, hedgerows, shrubs, or trees. The planning commission may require a fence and hedgerow of trees, shrubs or other landscaping vegetation and will make the determination part of the conditional use permit or agreements.
- b. All trees, flowers, lawns, trails, and other landscaping features must be maintained by the RV park management in a healthy growing condition at all times, as described in CEMC Chapter [17.64](#).

10. *Signs.* Signs and advertising devices must be in conformance with the city sign code, CEMC Chapter [15.20](#):

- a. One identifying sign which may be indirectly lit, but not with a flashing light, may be located at the entrance of the RV park. Such signs must be in conformance with the Uniform Building Code and local ordinances, as well as standards and conditions identified in the conditional use permit or agreements;
- b. Directional and informational signs for the convenience of the occupants of the RV park as allowed by city code and only as permitted within the conditional use permit or agreements.

11. *Utilities.* At least thirty percent of all RV sites within each RV park must have water, sewer, and electricity provided to them. At least sixty percent of all RV sites within each RV park must have water and electricity provided to them. All utility lines in each RV park must be underground and be approved by the proper agencies providing the inspections.

12. *Storm Drainage.* On-site storm drainage control facilities in RV parks are subject to the approval of the city public works, planning, and building departments according to the site and design review.

13. *Public Facilities.* RV parks must provide the following public facilities in such quantity, size, and location as is approved by the planning commission or as agreed to and set forth in any annexation agreement or development agreement:

- a. A water distribution system connected to the city's water and sewer utility;
- b. Fire hydrants, in number and location, shall be as required by the fire chief;
- c. A metered water station for filling RV water storage tanks in accordance with CEMC Chapter [15.04](#) and other local regulations;
- d. At least one restroom facility with laundry room including washers and dryers must be open to RV park occupants and shall comply with this code and other applicable codes;
- e. At least one open dump station for RV sites without full hookups must be provided by and maintained by the RV park for emptying RV sewage holding tanks/containers;
- f. Refuse tanks/containers for solid waste must be sized and provided in sufficient quantity to adequately handle one week of generated refuse by RV park occupants and follow the regulations within CEMC Chapter [8.08](#). RV park garbage must be picked up not less than once weekly. RV park personnel shall monitor garbage tanks/containers for cleanliness and maintain the RV park free of any uncontrolled garbage and refuse. RV dumpster locations must be screened from view by a fence or landscaped enclosure.

14. *Other Utility Systems.* If other utility systems such as natural gas, television cable, or telephone are installed in an RV park, such installation must be in accordance with state and local laws, rules, and regulations.

15. *Health Regulations.* All RV parks must comply with applicable state and local health laws, rules, and regulations.

16. *Site Identification.* All RV sites must be well marked and numbered.

17. *Design Standard Exceptions.* The planning commission, or as may be provided in an annexation agreement or development agreement, after receiving recommendations of the city staff, may waive or modify any of the design standard requirements after finding that such improvements would not be detrimental to the existing or foreseeable development of the surrounding properties.

I. *Accessory Uses.* Management headquarters, recreational facilities, restrooms, sanitary stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of an RV park are permitted as accessory uses to the RV park. In addition, grocery stores and convenience shops may be permitted as accessory uses at the discretion of the planning commission or as agreed to and set forth in any annexation agreement or development agreement subject to the following restrictions:

1. Such additional establishments and the parking areas primarily related to their operations shall not occupy more than five percent of the gross area of the RV park;

2. Such additional establishments shall present no visible evidence from any city street outside the RV park of their commercial character which would attract customers other than occupants of the RV park, unless otherwise conditioned within the conditional use permit or agreements;
3. The structures housing such facilities must not be located closer than fifty feet to any city street and shall not be directly accessible from any city street, but must be accessible only from a street within the RV park, or as expressly permitted by the conditional use permit or agreements.

J. *RV Park Administration.*

1. The owner of an RV park will be responsible for the development and maintenance of the RV park in strict conformity with the site and design review, the conditional use permit or agreements, and all applicable laws and ordinances, including any prior conditions of approval by Kittitas County not in conflict with the agreements and Cle Elum Municipal Code.
2. A written management plan must be submitted for approval as a part of the conditional use permit process or agreements. It must include, at a minimum, proposed RV park rules including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours are defined in Chapter [173-60](#) WAC.

(Ord. 1485 § 3 (Exh. B), 2018)

The Cle Elum Municipal Code is current through Ordinance 1640, passed December 12, 2022.

Disclaimer: The city clerk's office has the official version of the Cle Elum Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited here.

[City Website: cityofcleelum.com](http://cityofcleelum.com)

[City Telephone: \(509\) 674-2262](tel:(509)674-2262)

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Marysville Chapter 22C.240

RECREATIONAL VEHICLE PARKS

Sections:

22C.240.010 Purpose.

22C.240.020 General requirements.

22C.240.030 Criteria for locating a recreational vehicle park.

22C.240.040 Conditional use permit required.

22C.240.050 Health district approval required.

22C.240.060 Final site plan.

22C.240.070 Completion prior to occupancy – Phasing.

22C.240.080 Design standards.

22C.240.090 Accessory uses.

22C.240.100 Park administration.

22C.240.010 Purpose.

The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the occupants of such parks and the citizens of the city of Marysville. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.020 General requirements.

(1) No recreational vehicle shall be occupied overnight unless the same is parked inside an approved recreational vehicle park. An exception to this rule may be granted for temporary uses as defined in Chapter [22C.110](#) MMC, subject to strict compliance with the requirements of said section.

(2) No recreational vehicle shall be occupied for commercial purposes anywhere in the city of Marysville. An exception to this rule may be granted for temporary uses as defined in Chapter [22C.110](#) MMC, subject to strict compliance with the requirements of said section.

(3) No recreational vehicle shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy in a park for more than 180 days in any 12-month period shall be conclusively deemed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, or placement of the unit on a foundation, is hereby prohibited.

(4) No external appurtenances, such as carports, cabanas or patios, may be attached to any recreational vehicle while it is in a park.

(5) No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this chapter.

(6) No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.030 Criteria for locating a recreational vehicle park.

Recreational vehicle parks may only be established on property within the city of Marysville which meets the following criteria:

(1) Recreational vehicle parks shall be allowed in all zones of the city except single-family and multiple-family residential zones.

(2) The minimum site area of a park shall be 10 acres. The maximum site area of a park, or combination of adjacent parks, shall be 15 acres. Parks shall be considered to be “adjacent” to one another unless they are separated by an unrelated land use, and not merely by a public or private street, easement or buffer strip.

(3) After development, the conditions of the soil, ground water level, drainage, and topography shall not create hazards to the property or to the health or safety of the occupants.

(4) Property under the jurisdiction of the Shoreline Management Act shall be excluded from development of recreational vehicle parks if it is designated as being in the natural environment.

(5) Parks shall be located with direct access to a major arterial or state highway and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.040 Conditional use permit required.

A recreational vehicle park shall be allowed only upon the issuance of a conditional use permit by the hearing examiner and city council. The owner, operator and occupants of a recreational vehicle park shall develop and use the park in strict compliance with the conditions imposed by the permit. The agency issuing the permit shall maintain continuing jurisdiction for the review and enforcement of said conditions. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.050 Health district approval required.

Prior to occupancy of a recreational vehicle park, the owner shall obtain a permit from the Snohomish Health District and comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, subject to the park being closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.060 Final site plan.

A site plan shall be submitted with all applications for a recreational vehicle park. Said site plan shall be subject to review, modification, approval or denial by the agency issuing the permit. An approved final site plan shall constitute an integral part of the permit for the recreational vehicle park, and shall be binding upon the owner of the property, its successors and assigns. All development within the recreational vehicle park shall be consistent with the final site plan. Such plans may be modified or amended at the request of an owner upon receiving administrative approval by the community development director; provided, that if said modification or amendment affects the external impacts of the recreational vehicle park, or is determined by the community development director to be substantial in nature, then such modification or amendment shall be resubmitted to the hearing examiner as a conditional use permit application pursuant to MMC [22G.010.340](#). (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.070 Completion prior to occupancy – Phasing.

All required site improvements and other conditions of the permit and final site plan shall be met prior to occupancy of any site by a recreational vehicle; provided, that completion may be accomplished by phases if approved by the community development director and security for performance in accordance with the provisions of Chapter [22G.040](#) MMC and acceptable to the community development director is received by the city. The community development director may also require security for maintenance for a period up to five years in accordance with the provisions of Chapter [22G.040](#) MMC. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.080 Design standards.

The purpose of this section is to establish minimum design standards for recreational vehicle parks.

(1) Density. The number of recreational vehicles permitted in a park shall not exceed a density of 20 units per gross acre. The agency issuing the permit may limit density further to ensure compatibility with the surrounding areas.

(2) Campsite Size. Each individual recreational vehicle site shall be not less than 800 square feet in size.

(3) Access Points. Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within 100 feet of the intersection with the park entrance.

(4) Parking. At least one parking space shall be provided on each site. At least one parking space for each 20 sites shall be provided for visitor parking in the park.

(5) Internal Park Roads. All internal park roads shall be privately owned and maintained. They shall be constructed to all-weather standards, as approved by the city engineer. Park roads shall have a minimum improved width as follows:

(a) One-way road, no parking: 11 feet;

(b) One-way road with parking on one side, or two-way road with no parking: 18 feet;

(c) Two-way road with parking on one side: 27 feet;

(d) Two-way road with parking on both sides: 34 feet.

(6) Open Space/Recreational Facilities. A minimum of 20 percent of the site shall be set aside and maintained as open space for the recreational use of park occupants. Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access streets, and storage areas are not considered to be usable open space. The percentage requirement may be reduced if substantial and appropriate recreational facilities (such as recreational buildings, swimming pool or tennis courts) are provided.

(7) Setbacks. No recreational vehicle site shall be closer than 35 feet from any exterior park property line abutting upon a major arterial, shoreline, or residential zone, or 20 feet from any other exterior park property line. Permanent structures within a park shall have minimum front and rear yards of 20 feet each, and minimum side yards of 10 feet each.

(8) Landscaping/Screening.

(a) The park shall provide visual screening and landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable ground cover, shrubs and trees; provided, that they are installed prior to the first occupancy of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation;

(b) Along the exterior site boundary, a minimum 20-foot-wide screen landscaped to the L1 standards shall be provided (see Chapter [22C.120](#) MMC, Landscaping and Screening). It shall be designed and maintained to be aesthetically pleasing, and functional for site screening and noise buffering;

(c) Where needed to enhance aesthetics or to ensure public safety, recreational vehicle parks shall be enclosed by a fence, wall, earth mound or by other designs which will complement the landscape and assure compatibility with the adjacent environment;

(d) All trees, flowers, lawns and other landscaping features shall be maintained by the park management in a healthy growing condition at all times.

(9) Signs. Signs and advertising devices shall be prohibited in recreational vehicle parks except:

(a) If the park is visible from Interstate 5, one on-site identification sign complying with the standards of the State Highway Signage Code;

(b) One identifying sign at each entrance of the park, which may be indirectly lit, but not flashing. Said sign shall comply with Chapter [22C.160](#) MMC;

(c) Directional and information signs for the convenience of occupants of the park in compliance with Chapter [22C.160](#) MMC.

(10) Utilities. Electricity shall be provided to each recreational vehicle site. All utility lines in the park shall be underground and shall be approved by the agency or jurisdiction providing the service.

(11) Storm Drainage. Storm drainage control facilities shall be subject to approval by the city engineer and shall comply with the city's storm sewer code.

(12) Public Facilities. Recreational vehicle parks shall provide the following public facilities in such quantity, size and location as is approved by the agency issuing the conditional use permit:

(a) A water distribution system connected to the city's water utility;

(b) A water station for filling recreational vehicle water storage tanks;

(c) Restroom facilities containing showers and toilets connected to the city's sewer utility, the minimum number of which shall be one commode and one shower for each 20 recreational vehicle sites;

(d) A sanitary waste station for emptying sewage holding tanks of recreational vehicles;

(e) Refuse containers for solid waste in adequate quantity shall be rented from and serviced by the city of Marysville garbage utility. Park garbage shall be picked up daily by park personnel, who shall also maintain the park free of any uncontrolled garbage. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.090 Accessory uses.

Management headquarters, recreational facilities, restrooms, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, grocery stores and convenience shops shall be permitted as accessory uses in the discretion of the agency issuing the conditional use permit, subject to the following restrictions:

(1) Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent of the gross area of the park.

(2) Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.

(3) The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park. (Ord. 2852 § 10 (Exh. A), 2011).

22C.240.100 Park administration.

(1) The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the binding site plan, the conditional use permit, and all applicable laws and ordinances. Each park shall have an on-site manager available 24 hours per day, seven days per week.

(2) A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, proposed park rules and regulations, and proposed methods to enforce occupancy limitations and other requirements of this chapter. (Ord. 2852 § 10 (Exh. A), 2011).

The Marysville Municipal Code is current through Ordinance 3258, passed February 13, 2023.

Disclaimer: The city clerk's office has the official version of the Marysville Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.marysvillewa.gov/>

City Telephone: (360) 363-8000

[Code Publishing Company](#)

17.08.017 Adult family home.

~~"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).~~

Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW [70.128.066](#). The City adopts the states definition under RCW 70.128.066 as the same exists or hereafter amended.

17.08.306 Residential care facility.

"Residential care facility" means ~~a licensed establishment operated with twenty-four hour supervision for the purpose of serving those persons, who by reason of their circumstances require care while living as a single housekeeping unit and/or in a supportive "family" environment. Residential care facilities for the purpose of this title may include group homes, foster homes, congregate care facilities, rest homes, convalescent homes and the like but shall not include correctional facilities. For purpose of this title, residential care facility shall also include facilities providing room, board and counseling services to homeless persons for periods up to forty-five days per family. For purposes of this title, residential care facilities shall also include any facilities licensed by the state of Washington that~~ **which** cares for at least ~~three~~ **five (5)** but not more than fifteen **(15)** people with functional disabilities that has not been licensed as an Adult Family Home pursuant to RCW 70.128. ~~175.~~

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066.

(2) "Adult family home licensee" means a provider as defined in this section who does not receive payments from the medicaid and state-funded long-term care programs.

(3) "Adult family home training network" means a nonprofit organization established by the exclusive bargaining representative of adult family homes designated under RCW 41.56.029 with the capacity to provide training, workforce development, and other services to adult family homes.

(4) "Adults" means persons who have attained the age of eighteen years.

(5) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

(6) "Department" means the department of social and health services.

(7) "Home" means an adult family home.

(8) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(9) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

(10) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(11) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

(12) "Special care" means care beyond personal care as defined by the department, in rule.

[2020 c 220 § 1. Prior: 2019 c 466 § 2; 2007 c 184 § 7; prior: 2001 c 319 § 6; 2001 c 319 § 2; 1995 c 260 § 2; 1989 c 427 § 16.]

NOTES:

Part headings not law—Severability—Conflict with federal requirements—2007 c 184:
See notes following RCW 41.56.029.



Buzzard O'Rourke

a t t o r n e y s a t l a w

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November 4, 2020

City of Napavine
Attn: Sharri Salyers
407 Birch Ave. SW
P.O. Box 810
Napavine, WA 98565

Sent via email to SSalyers@cityofnapavine.com

Re: Adult Family Homes & Residential Homes Occupied by Persons with Handicaps

Dear Mrs. Salyers:

This is a response to the City's request regarding NMC 17.08.017, 17.82.010, 17.82.040, and 17.82.050. Adult family homes and municipal zoning is controlled by RCW 70.128.140, which states:

"(1) Each Adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

(2) An Adult family home must be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes are a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings."

Residential Care Facilities and municipal zoning is controlled by, RCW 35A.63.240, which states:

"No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602)."

At this time, the Napavine Municipal Code is out of date and must be updated to be enforceable against Adult Family Homes and Residential Care Facilities. It is currently in violation of the above statute and potentially the Federal Fair Housing Act. State law preempts the City's zoning ordinances in regard to Adult Family Homes and Residential Care Facilities. The City must immediately stop enforcing the sections of NMC

which prohibit Adult Family Homes and Residential Care Facilities in residential areas. The following are our recommendations for the City in regard to the City's request.

1. **Zoning.** The zoning ordinances must be amended to allow for both Adult Family Homes and Residential Care Facilities in all residential zoning areas. In addition, the zoning ordinances must allow for adult family homes in all commercial zones.
2. **Regulation of Adult Family homes.** It is recommended that the City implement a regulation which requires Adult Family Homes to have state licenses. The purpose for doing so is an effort to safeguard vulnerable individuals. Language which is recommended may include:

“Adult Family Homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 RCW and the following:

- a. Compliance with all building, fire, safety, health code, and city licensing requirements; and
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located; and
- c. A business license through the City.”

Additionally, the city's definition of Adult Family Homes in NMC 17.08.017 should be updated. It is recommended that the City adopt the State's definition of Adult Family Homes in RCW 70.128.010, as the same exists or is hereafter amended. Thus, if the state changes its definition the City will not need to amend its code to reflect such changes.

3. **Regulation of Residential Care Facilities.** It is recommended that the City also implement some sort of regulation which defines Residential Care Facilities. Recommended language may include:

“Residential care facilities means facilities which care for at least five (5) but not more than fifteen (15) functionally disabled persons, and which are not licensed as an adult family home pursuant to Chapter 70.128 RCW. Residential care facilities are subject to the following:

- a. Compliance with all building, fire, safety, health code, and state and city licensing requirements; and
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located; and
- c. A safe passenger loading area shall be provided, if determined necessary by the Community Development director; and
- d. A business license through the City”

4. **Reasonable Accommodations.** Adult Family Homes and Residential Care Facilities are more likely to need an accommodation. It is likely that the City has some regulations which may inadvertently limit Adult Family Homes or Residential Care Facilities. It is recommended that the City implement and consider adding language for allowing Adult Family Homes and Residential Care Facilities to obtain reasonable accommodations from the City Council or directly from the Community Development Director. The purpose of doing so is to make sure the City is to ensure compliance with the Federal Fair Housing Act and Fair Housing Act Amendments, amongst many other state and federal laws. There are two (2) distinct ways the City may address this issue, as follows:

- A. The first way the City may achieve this is to include language for the reasonable accommodation for each and every zoning rule or regulation, which is likely to impact Adult Family Homes or Residential Care Facilities, such as:

“Households of more than six persons in which any one person is unrelated to any or all of the others are not permitted, except that the community development director may allow larger numbers of unrelated persons to live together in a household through a grant of reasonable accommodation when necessary to comply with the provisions of the Federal Housing Act amendments, RCW 49.60.222, or RCW 35A.63.240.

a. When necessary to comply with the provisions of the Federal Fair Housing Act amendments, RCW 49.60.222, or RCW 35A.63.240, the Community Development director may grant reasonable accommodation to individuals in order for them to live in a household of more than six (6) persons, subject to the following:

(1) An applicant for reasonable accommodation must demonstrate to the satisfaction of the Community Development Director that the special needs of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.

(2) The Community Development director shall determine what adverse land impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.

(3) The Community Development director shall consider the applicant’s need for accommodation in light of the anticipated land use impacts, and the director may impose conditions in order to make the accommodation reasonable in light of those impacts.

(4) A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant’s proposal and the director’s decision. If the director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Community Development Director shall rescind or modify the decision to grant reasonable accommodation.

(5) A decision to grant reasonable accommodation shall be filed with the City Clerk.

(6) Nothing herein shall prevent the Community Development Director from granting reasonable accommodation to the full extent required by federal or state law.

b. Any reasonable accommodation granted shall be required to be renewed once each year at the time the Adult Family Home or Residential Care Facility’s business license is to be renewed. No accommodation shall be valid for longer than one (1) calendar year.”

- B. The second option would be to include a section in the Code that generally allows or authorizes the Council or the Community Development Director to permit reasonable accommodations. This is likely to be the most efficient way as it will not include amending each section of the zoning ordinances. Language that may apply here includes:

“Purpose. The Federal Fair Housing Act and Fair Housing Act Amendments require that reasonable accommodations be made in the rules, policies, practices, or services, when such accommodations may

be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. The rights created by the statutes are requirements of Federal law and shall be interpreted and applied in accordance with Federal case law. The State has passed laws which restrict a municipalities ability to regulate Adult Family Homes and Residential Care Facilities. (RCW 49.60.222 or RCW 35A.63.240)

The Community Development Director may grant individuals reasonable accommodation when necessary to comply with the provisions of the Federal Housing Act amendments, RCW 49.60.222, or RCW 35A.63.240.

Procedure.

- (1) Request. A request for a reasonable accommodation in the form of a modification of the State Building Code including, but not limited to, the Group LI requirements may be made to the Administrator or his or her designee. Such accommodation shall be reasonable, personal to the applicant, and granted pursuant to the definitions and requirements of the Fair Housing Act and Fair Housing Act Amendments as the same exists or is hereafter amended. Forms for requests for a reasonable accommodation shall be found at the Community Development Office at City Hall.
- (2) Decision. The written decision of the Community Development Director or his or her designee shall be provided to the applicant and copies of the decision posted at the post office, City Hall, library, and on or near the subject site, and mailed to all property owners within 300 feet of the subject site.
- (3) Recording of Decision. Notice of the decision of the Community Development Director or his or her designee shall be filed with the City Clerk. All such notices shall conspicuously state that all accommodations granted under this section are personal to the applicant and that they expire either (A) when the applicant terminates his or her occupancy at the subject site OR (B) when the Adult Family Home or Residential Care Facility's City business license renewed, whichever occurs first.
- (4) Appeals. The decision of the Community Development Director or his or her designee shall be appealable only to Lewis County Superior Court. The appeal period for such appeals shall commence on the date the notice of decision is postmarked.
- (5) Renewal. Any reasonable accommodation granted shall be required to be renewed once each year at the time the Adult Family Home or Residential Care Facility's business license is to be renewed. No accommodation shall be valid for longer than one (1) calendar year. No City business license shall be granted at the time of renewal where the status of a reasonable accommodation is unknown. Renewal forms may be found at the Community Development Office at City Hall.

Criteria. The Community Development Director or his or her designee may determine that such reasonable accommodations may be necessary in order to comply with the Federal Fair Housing Act and Fair Housing Act Amendments, RCW 35A.63.240, or RCW 70.128.140. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site. The Community Development Director or his or her designee may make a determination pursuant to the following:

- (1) An applicant for reasonable accommodation must demonstrate to the satisfaction of the Community Development Director that the special needs of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.

(2) The Community Development director shall determine what adverse land impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.

(3) The Community Development director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the director may impose conditions in order to make the accommodation reasonable in light of those impacts.

(4) A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the director's decision. If the Community Development director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Community Development Director shall rescind or modify the decision to grant reasonable accommodation.

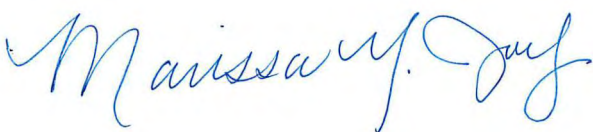
(5) Nothing herein shall prevent the director from granting reasonable accommodation to the full extent required by federal or state law."

In updating NMC to provide for these changes, the City will need to modify their zoning ordinances to separate child day care facilities from the Adult Family Homes and Residential Care Facilities. The ordinances need to be carefully drafted, and a thorough review of the state and federal law in regard to housing must occur.

The issue in regard to business licenses for a Residential Care Facility or Adult Family Home is wholly separate and distinct from the issues above. However, the City may not enforce any policies, rules, regulations, or ordinances that treat Residential Care Facilities or Adult Family Homes differently than any other residential property in residential zones. Thus, if a person applies for a business license for their home occupation and are granted a business license then the same criteria should apply for Adult Family Homes and Residential Care Facilities. The City may grant or deny business licenses pursuant to its current business license ordinances. Based on the above recommendations, the only implication that is tied to a business license is the need for a reasonable accommodation and will only apply where a business owner that has a reasonable accommodation does not inform the City of the status of the reasonable accommodation. The City must apply its ordinances for residential areas to Residential Care Facilities or Adult Family Homes as it would to any other single-family residences. Therefore, parking, fences, home occupation business licenses, and any other ordinance which applies to a single-family residence should be applied with the provision for reasonable accommodations to Adult Family Homes and Residential Care Facilities.

If the City has any further questions or concerns, please do not hesitate to reach out to my office.

SINCERELY,

A handwritten signature in blue ink that reads "Marissa Y. Jay". The signature is fluid and cursive, with the first name "Marissa" being the most prominent part.

MARISSA Y. JAY, JD

Part 20.30T Reasonable Accommodation

Any person claiming to have a handicap or disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, [42 USC 3604\(f\)\(3\)\(b\)](#), or the Washington Law Against Discrimination, Chapter [49.60 RCW](#), must provide the Director of the Development Services Department with verifiable documentation of handicap or disability eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap or disability eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director's decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than 21 days after the Director's decision. (Ord. 6197, 11-17-14, § 25; Ord. 5001, 7-7-97, § 5)

The Bellevue Land Use Code is current through Ordinance 6731, passed March 13, 2023.

Disclaimer: The City Clerk's Office has the official version of the Bellevue Land Use Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.bellevuewa.gov](http://www.bellevuewa.gov)

[City Telephone: \(425\) 452-6800](tel:(425)452-6800)

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Chapter 30.43E

REASONABLE ACCOMMODATION

Sections:

- 30.43E.010 Purpose.**
- 30.43E.020 Applicability.**
- 30.43E.030 Reasonable accommodation.**
- 30.43E.040 Level of safety to be maintained.**
- 30.43E.050 Accommodations personal to the applicant.**

30.43E.010 Purpose.

The purpose of this chapter is to allow the director the authority to waive or vary provisions of Subtitle [30.2](#) SCC, or other applicable county code provisions when necessary to reasonably accommodate the statutory rights of the disabled under the Americans With Disabilities ACT (ADA), the Federal Fair Housing Act (FHA), or the Washington Law Against Discrimination (WLAD). (Added by Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004).

30.43E.020 Applicability.

- (1) The provisions of this chapter shall be applied when necessary to provide a disabled person full enjoyment of a dwelling unit that otherwise could not be achieved without a waiver or variation in regulations pertaining to the construction or occupancy of the dwelling unit.
- (2) The process established by this chapter shall be administered in a manner that will ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his or her choosing.
- (3) The provisions of this chapter shall not apply to commercial activities or zones, provided that, nothing herein shall be interpreted to limit the exercise of a disabled person's right by or through a residential care provider. In the event of any conflict, or if interpretation of this chapter is required, it shall be implemented and interpreted in accordance with the provisions of the American With Disabilities Act, the Federal Fair Housing Act and the Washington Law Against Discrimination. (Added by Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004).

30.43E.030 Reasonable accommodation.

- (1) Upon application by a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the director or his designee is hereby authorized to vary, modify, or

waive the provisions of the Snohomish County Code in order to provide a reasonable accommodation as necessary to provide a disabled person or care provider to the disabled person full enjoyment of a dwelling unit.

(2) The review may, at the discretion of the director, include citizen input into the administrative process. The department shall provide written notice of the accommodation to the applicant and property owners adjacent to the subject site.

(3) When applying the reasonable accommodation process to the Snohomish County Code, including subtitle [30.5](#) SCC and other regulations adopted pursuant to the Snohomish County Code, the department shall avoid the stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights. (Added by Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004).

30.43E.040 Level of safety to be maintained.

No reasonable accommodation shall be provided by a waiver or variance of the provisions of subtitle [30.5](#) SCC which does not substantially accomplish the purposes of those chapters or which would reduce the safety of any structure. Modifications, waivers or variances of the provisions of subtitle [30.5](#) SCC shall provide at least the same level of safety as that required by the respective state code. The applicant shall have the burden of establishing that the proposed modification, waiver or variance accomplishes substantially the same purpose without reduction of safety. (Added by Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004).

30.43E.050 Accommodations personal to the applicant.

(1) Any reasonable accommodation made pursuant to this chapter shall accommodate the disability of, and be personal to the applicant, and shall not run with the land, unless all the following are met:

- (a) the accommodation is a change to a residential structure;
- (b) the accommodation is necessary to a disabled person using the structure or to the operation of a residential care provider to the disabled; and
- (c) if applicable, any future operator of similar facilities at the site has established the same use within six months of the date of discontinuation of the use for which the accommodation was allowed.

(2) If a residential structure possessing a physical change that was the result of a reasonable accommodation made pursuant to this chapter is vacated, sold or transferred to a person or entity not qualifying for the reasonable accommodation, the director may require that the structure be brought into compliance with the standards that were modified, varied or waived pursuant to this chapter. (Added by Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004).

The Snohomish County Code is current through legislation passed April 12, 2023.

Disclaimer: The Clerk of the Council's Office electronically retains the ordinances as passed by Council and subsequently enacted. The Snohomish County Code is updated on the web as new ordinances become effective, and includes new ordinances through 23-009. New ordinances do not necessarily become effective in chronological or numerical order. Users should contact the Clerk of the Council's Office for information on legislation not yet reflected in the web version.

Code Reviser: [425-388-3494](tel:425-388-3494).

Planning & Development Services: <https://www.snohomishcountywa.gov/5169/Planning-Development-Services> or call [425-388-3311](tel:425-388-3311).

Code Enforcement: <https://www.snohomishcountywa.gov/1152/Code-Enforcement> or call [425-388-3650](tel:425-388-3650).

[County Website: snohomishcountywa.gov](https://www.snohomishcountywa.gov)

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17.60.020 Habitation in recreation vehicles.

No recreational vehicle shall be used as a place of habitation for a period exceeding fourteen continuous days and external permanent fixtures are strictly prohibited, nor shall such vehicle be used as a place of habitation for more than twenty days in any one month, except for certain exemptions in accordance with 17.80.050 (Temporary Use) and 17.44.070 (RV Parks) of the NMC.

(Ord. 163 § 6.2, 1989)

Short-Term Rental Regulations

The City of Bellingham recently adopted new regulations that define what is allowed as a short-term rental (STR) in [Bellingham Municipal Code Section 20.10.037 \(https://bellingham.municipal.codes/BMC/20.10.037\)](https://bellingham.municipal.codes/BMC/20.10.037). The regulations are intended to balance the economic opportunity created by STRs with the need to maintain the city's housing supply and protect the rights and safety of owners, guests and neighbors.

An STR is defined as a lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof is provided to guests by an STR operator for a fee for fewer than 30 consecutive nights. STRs are allowed, with some exceptions, in legally-established dwelling units in residential, commercial and urban village zoning districts.

Key regulations include:

- In Residential Zoning Districts:
 - STRs are limited to one per operator.
 - The dwelling unit, including accessory dwelling units, hosting the STR must serve as the primary residence of the owner or long-term renter (with at least a 270-day lease) for at least 270 days/year and the whole unit may be rented no more than 95 days/year.
- In **single-family zones**, STRs are not permitted in detached accessory dwelling units.
- In Commercial and Urban Village Zoning Districts:
 - There is no limit on the number of STRs per operator
 - STRs may be located in primary or nonprimary residences
 - For STRs in nonprimary residences, there is no limit on the number of days/year the unit may be rented
 - For STRs in primary residences, there is no limit on the number of days/year the unit must serve as the primary residence of the applicant or the number of days/year it may be rented
- In all Zoning Districts:
 - STRs are not allowed in the Lake Whatcom Watershed or shoreline areas.
 - STRs are not allowed in units subsidized by the multi-family tax exemption program or other housing subsidy programs.

Permit Types

The new regulations require an STR land use permit for all STRs in the City. The table below summarizes the permit type required in each zoning district. Type I and Type II STR permits are approved administratively by the Planning Director or designee. Please contact the Permit Center (City Hall – 210 Lottie St., 360-778-8300) for more information.

Short-term Rental Type:	Review Process Type for Residential Zoning Areas:	Review Process Type for Commercial and Urban Village Zoning Areas:
Primary Residence – No more than 2 bedrooms in a dwelling unit, including an accessory dwelling unit (when permitted), may be rented to overnight guests. The subject dwelling unit must serve as the primary residence of the applicant (the owner or long-term tenant) for no less than 270 days per year. The whole dwelling unit may be rented for no more than 95 days per year.	Type I	Type I
Primary Residence – No more than 5 bedrooms in a dwelling unit, including an accessory dwelling unit (when permitted), may be rented to overnight guests. The subject dwelling unit must serve as the primary residence of the applicant (the owner or long-term tenant) for no less than 270 days per year. The whole dwelling unit may be rented for no more than 95 days per year.	Type II	Type 1
Non-primary Residence – No more than 5 bedrooms in a dwelling unit, including an accessory dwelling unit (when permitted), may be rented to overnight guests. The subject dwelling unit is not the primary residence of the applicant. There is no limit on the number of days per year the dwelling unit may be rented.	Not Allowed	Type 1

Safety and courtesy requirements include the following:

- One off-street parking space during guest stay in residential zones
- Operations must prevent unreasonable disturbances to nearby residents
- No change in outside appearance of building or premise that indicates the site is hosting a commercial use
- Local contact person must be available 24 hours/day
- Good neighbor guidelines must be posted in the unit and rental agreement
- No events for compensation in residential zones
- Safety requirements and a City inspection per 20.10.037.D.11 (inspection is required prior to application approval)

- Proof of a valid City of Bellingham [business license \(https://dor.wa.gov/\)](https://dor.wa.gov/) must be submitted with the application (may take several weeks to receive the license number)
- Liability insurance

Please refer to [Bellingham Municipal Code Section 20.10.037 \(https://bellingham.municipal.codes/BMC/20.10.037\)](https://bellingham.municipal.codes/BMC/20.10.037) for the complete set of requirements for STRs.

Applying for a Short-term Rental Permit

Prior to submitting an application, please complete these pre-application steps:

- Check in with City staff in the Permit Center (City Hall – 210 Lottie St., 360-778-8300) to obtain guidance on your proposal.
- If you are applying for a Type 1 STR permit, a courtesy notice must be mailed or delivered to residents and property owners adjacent to the STR. See the application for instructions and a sample courtesy notice.

The STR application is available on the City's [Land Use Application webpage \(https://cob.org/services/permits/forms-land-use\)](https://cob.org/services/permits/forms-land-use). After meeting with City staff on your proposal, please fill out the application and submit it to staff in the Permit Center (City Hall – 210 Lottie St.)

An [application fee \(https://cob.org/wp-content/uploads/land-use-fee-sheet.pdf\)](https://cob.org/wp-content/uploads/land-use-fee-sheet.pdf) and a City of Bellingham [business license number \(https://dor.wa.gov/\)](https://dor.wa.gov/) for your STR are required to be submitted with the application. Please note that if you do not currently have a City of Bellingham business license for your STR, you will need to apply for one through the [Department of Revenue \(https://dor.wa.gov/open-business/apply-business-license\)](https://dor.wa.gov/open-business/apply-business-license). Once your business license application is submitted to the DOR, it may take up to two weeks to receive your City of Bellingham business license number.

STR permit application fees are as follows:

- Type I: \$370.00
- Type II: \$550.00
- Type III-A: \$847.00
- Renewal (before January 1 of every even-numbered year): \$250.00
 - [STR Renewal Affidavit \(https://cob.org/wp-content/uploads/str-renewal-affidavit.pdf\)](https://cob.org/wp-content/uploads/str-renewal-affidavit.pdf)

Resources

- Planning & Community Development Department (<https://cob.org/gov/dept/pcd>)
- STR Application (<https://cob.org/wp-content/uploads/str-application.pdf>)
- STR Renewal Affidavit (<https://cob.org/wp-content/uploads/str-renewal-affidavit.pdf>)
- STR Ordinance 2018-11-024 (<https://cob.org/wp-content/uploads/str-2018-11-024.pdf>)
- Frequently Asked Questions (<https://cob.org/wp-content/uploads/str-faq.pdf>)
- STR Example Scenarios (<https://cob.org/wp-content/uploads/str-example-scenarios.pdf>)
- (Archived) Legislative Process (<https://cob.org/services/planning/development/str-legislative-process>)

Contacts

Permit Center – 360-778-8300





Short-term Rental (STR) Permit Frequently Asked Questions

1. What Type of Permit Procedure is Proposed?

- a. Type II decision. Type II permits are approved administratively by the Director rather than the Hearing Examiner (Type III and III-A) or the City Council (Type IV-V). Type II procedure requires a public notice of application and notice of decision. Additionally, Type II procedure allows for an open record public hearing before the Hearing Examiner if the Director's decision is appealed. Permit procedures are found in the [Gig Harbor Municipal Code \(GHMC\) Section 19.01.003](#).

2. What is Administrative review?

- a. Administrative review (all Type 1 and Type II permits) offers a simplified review and decision process as opposed to other review processes which require the Hearing Examiner or City Council to be the decisionmaker. With a Type II procedure, the decision is made by the Director or their designee and does not require a public hearing prior to the decision. This helps to reduce the review time and cost as additional public noticing for public meetings would not be necessary, nor would fees associated with a hearing examiner decision.

3. Why is Code Enforcement not Addressed in the Ordinance?

- a. Enforcement regulations already exist within the Gig Harbor Municipal Code, so there is no need for them to be in the STR ordinance. Our current land-use enforcement process can be reviewed in [Chapter 19.16 GHMC, Enforcement of Land Use Codes](#). As with most commercial uses, the enforcement and policy procedures of [Chapter 15.24 GHMC, Enforcement](#), and [Title 5 GHMC, Business Licenses and Regulations](#), might also apply depending on the violation.

4. What will the fees be for an STR Permit?

- a. The proposed fee for the Type II STR Permit is \$650. Staff is working to update the City's fee schedule resolution for the February 27th City Council Meeting. The current fee schedule can be found on the [City of Gig Harbor Web Site](#).

5. What is a summary of the current Ordinance?

- a. The current ordinance stipulates that a short-term rental permittee may only possess one short-term rental permit within the City. The application will be processed as a Type II procedure requiring noticing, public comment, and an administrative decision. An approved permit would be issued to one person, non-transferable, and would expire if property ownership changes, or the short-term rental permittee no longer possesses a valid business license. All short-term rentals would also require a city business license consistent with [Title 5 GHMC, Business License and Regulations](#). The business license, as with all business licenses, would be renewed annually. The proposed regulations require that a short-term rental permittee must meet additional criteria, specific to short-term rentals, to successfully renew their business license. If they are unable to meet those



Short-term Rental (STR) Permit Frequently Asked Questions

criteria, their license would not be renewed, and their short-term rental permit approval would also expire.

6. The Council asked for staff to monitor STRs after approval of the Ordinance. How will staff do this?

- a. The City Council has directed Staff to create an STR tracking web page, tracking issued STR permits, STR enforcement actions, and other yet to be determined data related to STR permitting in the City. This data will be compiled and presented to City Council on a quarterly basis.

7. What if I have a previously approved Conditional Use Permit for my STR?

- a. Lodging, Level 1 would remain a Conditional Use Permit in most zones, which is a Type III procedure requiring a public hearing and decision by the City's Hearing Examiner. Those STRs that have been issued a CUP for a Lodging, Level 1 use will be permitted to continue and will not be affected by this ordinance.

8. Who should I contact with questions?

- a. Community Development Director Carl de Simas at 253-853-7628 or cdesimas@gigharborwa.gov