



POLICY

RECREATIONAL VEHICLES & TINY HOMES

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ANALYSIS:

Washington State Department of Labor & Industries administrates the construction of tiny homes, factory assembled structures, manufactured homes and recreational vehicles. San Juan County administrates the placement and location of structures throughout the County. Because RV's are vehicles, they are not regulated by the Building Codes, though they are subject to land use requirements of San Juan County's Uniform Development Code. However, when an RV is no longer being utilized in accordance with its design conditions/listing, (i.e. as a registered and licensed vehicle being used for "recreational camping/travel") RV's are subject to applicable building and land use codes when their occupancy exceeds 180 days per year. This includes where RV's are being used as permanent dwelling units. Where an existing dwelling unit exists on a lot, it is understood that an individual may park/store his/her/their own RV on their lot, provided it is not utilized as a dwelling unit. In all cases, the location of a dwelling must meet requirements San Juan County regulations for land use, including use, setbacks and density, and the County requirements for potable water and sewage disposal. Regulations contained in the Unified Development Code, Title 18 SJCC, provide directives for land use and other performance standards for RV's. SJCC Title 15 regulates additional applicable aspects of including International Building Code (IBC) and flood protection requirements. WAC and RCW affirm applicability of the above regulations.

ISSUE:

Life safety is one of the most important reasons why structures used for human occupancy are regulated. Environmental protections as well as community standards also play a part in regulating development. There are often questions surrounding how recreational vehicles and tiny homes are regulated and how the regulations impact the use of recreational vehicles and tiny homes on one's own property.

Tiny homes are a part of popular culture, and their proliferation is widespread. The explosion in growth of tiny homes and the lack of easy-to-understand information available to the public has made it necessary for San Juan County to educate the public on tiny homes and the regulatory provisions that govern them in Washington State and San Juan County. San Juan County is mandated to uphold State Law through the administration of building permits in order to regulate all structures that are inhabited by humans and ensure the safety of inhabitants.

In order to develop an elementary understanding of the concepts and regulatory environment governing residential structures, tiny homes and recreational vehicles, three basic categories of structure must be discussed:

1. Conventional construction

Conventional site-built, typically wood frame, or other light frame construction types, constructed on a foundation system. Conventional construction methods can include use of structurally insulated panels (SIPs) and insulated concrete forms (ICF's), or steel structure. These structures are built to International Residential Code (IRC), or International Building Code (IBC) standards and must meet prescriptive design minimums or be developed by a qualified building designer such as an architect or engineer. All site-built structures, regardless of size, must be constructed in accordance with IRC, or IBC regulations under a building permit that is issued by San Juan County. Inspections are required to be performed by the County throughout the construction process.

2. Manufactured Homes and Factory Assembled Structures (FAS)

These structures are constructed at facilities approved by Washington State Department of Labor and Industries (L&I). L&I oversees inspections during the construction phase at factory locations. Modular and FAS are brought to the site and placed on a foundation installed in accordance with design requirements provided by a qualified design professional or the structure manufacturer. These structures require permitting from San Juan County; however, the construction inspections are limited and usually include, but are not limited to, foundation, tie downs, plumbing connections and skirting.

3. Tiny House

Tiny houses are structures less than 400 square feet that are constructed like a dwelling. The layout often includes a kitchen, bathroom, sleeping and living areas. Tiny houses are frequently constructed off-site on vehicle trailer chassis or frames, and then towed to another property for installation. As with FAS, modular homes and RV's, tiny homes are regulated by Washington State Labor & Industries. Proper permitting is required to construct a tiny home in Washington State or transport a unit for use in Washington State. The L&I permitting links and information are available at the following website:

<https://lni.wa.gov/licensing-permits/manufactured-modular-mobile-structures/tiny-homes/#building-a-tiny-house>

4. Recreational Vehicles (RVs)

San Juan County Code 18.20.180 defines a recreational vehicle as follows: "Recreational vehicle (RV) means a vehicle designed primarily for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle, including travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes (RCW 43.22.335)." RV's are constructed by licensed manufacturers, inspected by WA L&I (or the State in which the vehicle was originally sold) and receive a tag denoting the agency

approval. RV's are titled, licensed and registered by Washington State as recreational vehicles. The serial number of the unit will begin with the letters RV.

RELEVANT CODE CITATIONS:

When discussing RV's, Tiny homes and other structures, their uses, and permitting considerations, the code sections and definitions presented below are relevant:

From the San Juan County Code (SJCC)

- SJCC 18.20.040 "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A principal residence and an ADU that meets the requirements of SJCC 18.40.240 constitute a single dwelling unit. **Recreational vehicles are not dwelling units."**
- SJCC 18.30.030, Recreational vehicle parks are not allowed in VR, HI, HR and IC land use designations. An RV Park is two or more RV's on a property. Use of an RV as a dwelling is not explicitly listed in SJCC 18.30.040, thus it is considered an "unnamed residential use". RV's used as a dwelling require a land use permit when allowed in accordance with SJCC 18.30.030.
- SJCC 18.30.040, Recreational vehicle parks are not allowed in any land use designation. An RV Park is two or more RV's on a property. In this same table, single family residences are allowed, but as they are defined, they specifically exclude recreational vehicles. A recreational vehicle is not listed as an allowed use, thus it is considered an "unnamed residential use". RV's as a permanent use require a conditional use permit in RGU, RR, RFF, AG and FOR land use designations in accordance with SJCC 18.30.040 and is not allowed in other land use designations.
- SJCC 18.20.180 defines an RV as "a vehicle designed primarily for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle, including travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes)."

From the Washington Administrative Code (WAC)

- A "tiny home" is a recreational vehicle if it meets the definition of a recreational vehicle in the WAC 296-150R. Characteristics that define a "Tiny Home" as meeting the definition of a recreational vehicle include:
 - It is licensed as a vehicle or is on a trailer that requires a vehicle license and is
 - designed to be pulled behind another vehicle;
 - It is designed to be used on a road or highway and does not require a special permit for operations on the highway;
 - It will not be permanently (less than 6 months) affixed to a site.
 - Less than 400 square feet.

From the Revised Code of Washington (RCW)

- RCW 46.12.560 Authorizes the Washington State Patrol to inspect all homemade or unidentifiable trailers for licensing purposes.
- RCW 43.22.350 If you build a camp trailer and want to license it as a Recreational Vehicle (RV) at the time of inspection you must present a completed Labor & Industries (L&I) RV inspection with the L&I inspection insignia applied to your camp trailer.

From the 2018 International Building Code (IBC):

- IBC 302.1 Occupancy classification states: “Occupancy classification is the formal designation of the primary purpose of the building, structure or portion thereof.” In other words – the use of a structure determines its classification.
- IBC 107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

THEREFORE:

- Tiny homes, constructed on trailers, or axels, must meet all Washington State Department of Labor & Industries requirements to be situated in San Juan County;
- All structures, trailers, recreational vehicles, etc. used for human habitation shall be certified by the authority having jurisdiction.
- Building permits may be issued for State approved tiny homes and factory assembled structures when all County requirements can be met.
- Small structures not on trailers, or axels, will be considered site-built; all structures used for habitation or dwelling purposes require building permits from San Juan County.
- In order for a tiny house to be categorized as an RV it shall be licensed and registered as an RV in Washington State.
- Land Use Designations that are not allowed to contain RV parks are limited to one single RV.
- RV’s and wheeled structures are not eligible for the ADU lottery; they are not dwelling units.
- RV’s may not be utilized as rental units – for periods in excess of 180 days they may be occupied only by the owner of the parcel and their immediate family.
- RV’s and tiny homes may not be permanently located on any portion of any parcel subject to the Washington State Shoreline Management Act, RCW 90.58, or San Juan County Shoreline Master Program, San Juan County Code Chapter 18.50.
- RV’s must meet performance standards stated in SJCC Chapter 15.12 when located in the special flood hazard area.
- RV’s are subject to land use density standards when not used as a stored vehicle.
- RV’s shall be certified and titled as a recreational vehicle by Washington State L&I, or their state of origin, and shall be required to maintain current vehicle licensing from the state of origin, or obtain Washington State vehicle registration upon expiration of the out of state registration.
- RV’s will be classified as one of the following categories: A stored vehicle, temporary use, or permanent use.

Stored Recreational Vehicles:

- Shall be screened when required by land-use designation;
- Shall not be connected to water or sewage;
- May be connected to power;

- Shall be in a configuration readily available for its intended highway use;
- Must have Washington State registration but does not require current license plate tabs;

RV's as a temporary use:

- Allowable for up to 180 days;
- A temporary use permit is required after 180 days and up to two years as part of a building permit. The RV shall be located on the property on which the work is permitted;
- The RV must be registered and licensed, with current license plate tabs from the state where the vehicle is registered;
- The property where the RV is located shall have filed with San Juan County Department of Health & Community Services (H&CS) a written plan for sewage disposal and provision for water. Sewage disposal may utilize a permitted on-site septic system, or a waste storage tank serviced by a licensed septic pumper under a written contract filed with the County. Water supply shall be a source approved in writing by H&CS.
- Non-permanent sewage and water connections may be used. All connections shall be maintained against degradation.

RV's as a permanent Use:

- A land use permit is required where land use tables allow for “unnamed residential use”. The land use permit requirement will be implemented July 1, 2023. Amnesty for after the fact permits will be granted until the specified implementation date.
- RV's are not allowed as a permanent use on a property with an established dwelling unit when the property does not have density for an additional dwelling unit.
- RV's and tiny homes may not be located permanently on shoreline portion of any parcel subject to the Washington State Shoreline Management Act, RCW 90.58, or San Juan County Shoreline Master Program, San Juan County Code Chapter 18.50. SJCC 18.50.600 does not have a provision which allows unnamed residential uses.
- RV's shall be certified by Washington State L&I, or certified by the authority having jurisdiction from the state in which the RV was originally sold. All RV's shall have their certification tag intact.
- RV's shall meet NFPA 1192 standards.
- Modifications to the RV that are not made in conformance with **Wash. Admin. Code § 296-150R-1000** including the installation of aftermarket equipment (e.g. HVAC mini-split, attached roofing, permanent skirting) are not allowed.
- The installation shall meet all land use requirements, such as setbacks.
- The installation shall be screened when in a location that requires screening of stored items/equipment (required in Eastsound).
- The installation shall have access to a permitted on-site septic system. Non-permanent sewage and water connections may be used. All connections shall be maintained against degradation.
- The installation shall have access to an approved water source to be verified by a certificate of water availability to be provided at the time of submission of a building permit application.

The Director may make modifications to this policy at any time.

If any part of this agreement is declared unenforceable or invalid, the remainder will continue to be valid and enforceable.