

Wasco County Housing Alternatives: Tiny Houses and Their Big Challenges

Prepared in 2018 by the Wasco County
Planning Department

During the Wasco County 2040 vision process, one topic that was popular among participants was housing. Alternative housing, in particular, was viewed as a possible solution to housing availability and affordability problems in Wasco County.

In addition to Comprehensive Plan update public input, current planning staff frequently responds to inquiries related to tiny homes and other alternative housing types or scenarios. Staff has prepared this primer to discuss some of the current obstacles to tiny homes in Wasco County, and some of the possible solutions.

Tiny house is a popular phrase to describe smaller footprint dwellings. These can include: tiny houses that are RVS, tiny houses that are manufactured homes, tiny houses that are site (stick) built, or more than one of these types. The next sections discuss different issues related to each type.

Tiny Houses that are RVs

If a tiny house is built on a chassis with an axle, or in other words mobile, it is

considered a Recreational Vehicle (RV). According to definitions in the Wasco County Land Use and Development Ordinance (LUDO), recreational (or camping) vehicles are “designed for human occupancy and to be used temporarily for recreational and emergency purposes, but not for residential purposes.” The definition explicitly states that RVs (or tiny homes that function like an RV) are for temporary use only.

Furthermore, the definitions clarify that connections to a sanitary waste system, electrical or water lines can only be temporary in nature, and must be disconnected after waste is discharged, the water tank is filled and the batteries are charged. Oregon State Law requires dwellings to include: (a) intact exterior walls and roof structure; (b) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (c) interior wiring for interior lights; and (d) a heating system.

A Land Use Board of Approvals (LUBA) case from February 2018 (Oregon Coast Alliance v. Tillamook County) found that due to similar definitions of RVs in the Tillamook County ordinance, they cannot be established as permanent dwellings.

Generally, RVs can be used in any zone without a permit for 30 days. They can also be used as a temporary dwelling, after approval from the Planning Department of a temporary use permit, during the

construction of a dwelling. These temporary dwelling permits usually are good for a maximum of one year and a dwelling must be approved prior to issuance of the temporary use permit.

Further complicating the matter, all dwellings must comply with Oregon State Building Code. This means it needs to be licensed as a pre-fabricated structure.

According to a 2017 report for Oregon Building Codes Division, the “core issue...is whether tiny houses provide an adequate means of egress (escape) from a rapid accumulation of smoke and toxic gases in a small sleeping space that could incapacitate” residents (Department of Consumer and Business Services Letter, April 4, 2017, p. 2).

Tiny Houses that are Manufactured Homes

Tiny homes that are constructed and licensed as a manufactured home, like a Park Model home, are subject to the same regulations as other manufactured dwellings regarding placement, foundation, setbacks, septic, water, and other permits.

There are no minimum size requirements for dwelling units in Wasco County in resource zone. However, in most residential zones in Wasco County, there is a minimum size requirement for manufactured homes of at least eighteen feet wide. Provided the manufactured tiny home can meet the eighteen foot width, it could be approved as a dwelling unit.

Mobile (or manufactured) homes in Wasco County are also subject to some exterior finishing standards, including being placed on cement or concrete block exterior foundation, skirting that is complementary to the siding, wheels, tongues, and hitches removed, and all additional accessories like carports or awnings be complimentary in design and color to the mobile home. Some of these standards, particularly related to foundation, are similar to requirements from State Building Codes Services.

The manufactured tiny house would also be required to be hooked up to water and sanitary to meet the definition of dwelling.

Tiny Houses that are Stick Built

For smaller stick (site) built homes, there are currently no minimum size requirements in Wasco County. These dwellings would be treated like other dwellings, requiring space designated for bathing, cooking, living and sleeping. They would also need to be hooked up to permitted septic and water systems.

In some cases, the Building Code may have requirements that impact a building size to be approved during review and inspection.

Tiny Houses that are Yurts

Yurts, when used as a dwelling, must meet the definition of dwelling as well as requirements of Building Code.

Identified Challenges

All types of tiny homes have challenges related to the State Building Code. In most cases, they must be manufactured for approval and have licensed contractors completing the work to pass inspection.

For Wasco County land use planning approval, the three identified challenges are:

1. RVs are not permitted as permanent dwellings.
2. Meeting the definition of “dwelling”.
3. When manufactured, must be larger than 18 feet wide in most residential zones.

The third challenge is a local addition to the Ordinance and can be removed or altered, depending on public input and consensus from the Planning Commission and Board of County Commissioners. In particular, this would allow for future siting of manufactured tiny homes.

The first and second challenges are more difficult to address. The definition of a dwelling is uniform across Oregon State, and not likely to be modified without significant legislative action. The dwelling definition is critical for setting criteria for considering replacement dwelling standards and essentially helps determine vested building rights where applicable.

Similarly, the prohibition of RVs as permanent dwellings would likely require legislation to modify the definition of dwelling. The 2018 LUBA case found that “nothing in any statute...expressly

authorizes the county to approve use of a recreational vehicle as a permanent dwelling in any county zone” outside of a designated mobile home park (ORCA v. Tillamook County, 2018, p. 15). In all cases of state law that mention mobile homes or RVs, related to county land use planning, the explicit direction is for temporary housing. Therefore, there would need to be modification to these rules, as well as the identification of RVs as an allowed, permanent use, in order for Wasco County to be able to modify its code.

Conclusion

In conclusion, there are significant barriers in current rule to permit tiny homes as a housing alternative in Wasco County. Although there is near future opportunity to eliminate the width standard for manufactured dwellings, and therefore present an opportunity for one type of tiny homes, the other obstacles require legislative revisions at the state level.

Beyond land use planning rules, there are also Building Code standards that need to be met to ensure for the successful development of a tiny home. The cited concerns associated with small spaces, egress, and fire danger currently support regulations which largely prohibit tiny dwellings.