

TOWN OF WINTHROP

STAFF REPORT

To: Town Council
From: Rocklynn Culp, Town Planner
Date: September 13, 2022
Re: Jamie's Place Tiny Homes CUP application

Applicant: Methow Valley Family Home Center Association (Jamie's Place), 109 Norfolk Rd, Winthrop, WA 98862

What is proposed? Jamie's Place is requesting approval of a conditional use permit to allow placement of two tiny homes on site for caregiver housing. The tiny homes are 28' long and on wheels. They would be placed on a gravel area along the rear property line. The intent is to hook the two tiny homes up to town water and sewer services and to OCE electric service.

The use has been determined to be camping on an individual lot, pursuant to Winthrop Municipal Code (WMC) sections 17.12.100, 17.16.010, and 17.36.045.

Location: The parcel is located at 109 Norfolk Road, in the Residential 3 zone of the Town of Winthrop.

What does the Comprehensive Plan say about the proposed use? The property is designated as Residential in the 2015 Comprehensive Plan. The Comprehensive Plan establishes goals and policies for residential development within the Land Use Element, and addresses housing more broadly in the Housing Element. In reviewing the Comprehensive Plan, staff did not find any conflicts with the proposed use. The following goals and policies address various aspects of the proposed conditional use:

Policy R1.3 Ensure that allowed and conditional uses in residential zones are compatible with the desired neighborhood character.

Goal R2 Provide a range of density and location options to ensure a variety of housing types that is sensitive to demographic trends, and includes affordable, multifamily, and seasonal housing.

Policy R2.2 Provide standards for integrating accessory housing units in residential areas.

Policy R2.4 Allow the integration of adult family care homes and day care facilities into residential areas, with standards that maintain neighborhood character and safety.

What does the zoning code say? The Jamie's Place property falls within the Residential 3 zoning district, which is "designed to allow for high density, multifamily residential development and residential-tourist accommodations, including time-share condominiums, without restricting single-family dwelling units, and is intended for locations where a full range of utility services are available and where traffic generated by the development does not

significantly impact lower density residential areas.” The property abuts Business 3 on two sides, to the north and west. The properties to the south are covered by the overnight rental overlay. Jamie’s place is in proximity to a diverse mix of uses, including Little Star Montessori School, the Methow Valley Wellness Center, the new Winthrop Library, and a mixed residential neighborhood that has several overnight rentals.

To determine how to consider the request to place tiny homes, staff considered several sections of the zoning code and arrived at a conclusion that the best fit was to consider these units, which remain on wheels, as we would consider a travel trailer. Relevant codes sections include:

- WMC Table 17.16.010 sets forth which uses are allowed in each zone. The use chart contains a use labeled “camping on an individual lot”, which is permitted with a conditional use permit in the R3 zone subject to a footnote to the use chart that states: “Conditions shall include: Limitations on time of stay, no permanent structures, no utility hook-ups, lot maintenance (weed control, irrigation, maintenance) and plan for sewer and other waste disposal.”
- Structure, Temporary. “Temporary structure” means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
- Tiny Homes with wheels do not meet the definition or code requirements for manufactured homes or ADUs under WMC sections 17.12.010 and 17.12.025.
- Section 17.12.100 addresses temporary uses and permits the installation and use of travel trailers or similar units as temporary residences, including camping on an individual lot for periods exceeding two weeks, subject to a conditional use permit and other town public health and safety regulations.

Floodplains, Shorelines, and Critical Areas: The site is not in proximity to shorelines, floodplain, or known critical areas.

SEPA Review: In general, absent other triggers for SEPA review, if the only action on behalf of the Town is to issue a business license, projects are categorically exempt. For this reason, staff has determined this proposal to be categorically exempt under WAC 197-11-800 (11.b) and (13). As of the date of this staff report, no comments have been received regarding this determination.

Review: The proposal was reviewed in accord with Title 19, Administrative Procedures, with notice posted on the site, published in the Methow Valley News, mailed to landowners within 300 feet, town department heads, and potentially interested agencies (as noted in project file). As of the date of this staff report, we have not received any comments outside of staff. If any comments are received prior to the hearing, they will be provided to the Town Council.

Process: A Conditional Use Permit is a Type III permit. The process for review and decision on a Conditional Use Permit involves a recommendation from staff to the Council. The Council then holds a public hearing and renders a final decision. The process is covered by Section 17.36.045 (Conditional Uses) and Title 19 (Administrative Procedures) of the Winthrop Municipal Code. Please review Section 17.36.045, enclosed with this staff report, to understand the intent, basis for denial, and appropriate types of conditions for such permits. The permit may be approved, approved with conditions or denied. As with all quasi judicial decisions, it is crucial to identify specific findings and conclusions in support the decision.

Discussion: The context of this application is an important consideration in determining how to address the requested use. Jamie’s Place provides an essential caregiving service, housing up to 12 individuals in two adult family home units. They have identified a much larger and growing need for adult care beds and caregivers in the Methow Valley. Simultaneously, they have come up against the critical lack of workforce housing options. They identified that five of their caregivers were housing insecure and that without those employees they could not continue to operate at their existing capacity. They applied for and received grant funds to help create a solution for caregiver housing, resulting in the application for Town approval to place the tiny homes on their property.

This application addresses a unique situation that is without precedent in implementation of the zoning code, and therefore required some consideration of whether and how it could be allowed. The application for a conditional use permit works as a temporary solution but does not address the need for caregiver housing long term. The planning commission and staff agree that the critical need for caregiver housing makes this CUP a good interim step, but it does pose the need for a more permanent solution in the zoning code.

There is one conflict within the code – the footnote that says, “no utility hookups.” In considering this application, we recommend allowing the tiny homes to be hooked up to water and sewer. That is the preference of the public works superintendent after looking at the site. It is the intent that the units will eventually be converted to permanent units, anchored on the site rather than on wheels. This will require some adjustment of the zoning code, but nonetheless staff believes it is preferable to have the units connected to town water and sewer.

The planning commission has been reviewing the zoning code as set forth in the Housing Crisis Resolution and is considering recommendations for revisions that would permit tiny homes. Therefore, the intent will be that these tiny homes are permitted in the interim, for a period of two years, to remain on wheels, after which time they will be moved or anchored on the site per zoning requirements.

Staff Recommendation: Staff recommends approval of the Conditional Use Permit with the following conditions:

1. **Limitation on time of stay:** The tiny homes shall be permitted to remain in place under this conditional use permit for a period of two years. At the conclusion of the two years, the Town shall review the use and may require that the units be moved or converted to “permanent” anchored units.
2. **Utilities:** The applicant shall coordinate with the Public Works department on water and sewer service connections for the tiny homes and shall meet any permit requirements.
3. **Setbacks:** The tiny homes shall be located on the property in a manner that meets setbacks for structures. Setbacks are front yard 25’, side yard 5’, and rear yard 10’.
4. **Property maintenance:** The tiny homes and surrounding area shall be maintained as otherwise required by Winthrop Municipal Code.

Sample Motion: I move that the Town Council approve the Jamie’s Place application for a conditional use permit with the conditions recommended by Town Staff and pursuant to the findings of fact and conclusions set forth in the staff report.

Findings of Fact: The following findings of fact were developed by staff in support of the recommendation above. If council acts in accord with the recommendation, you may adopt, modify or add to these findings of fact. If council acts contrary to the recommendation, you will need to identify findings of fact to support your decision based upon the criteria in WMC.

1. The application from Methow Valley Family Home Center Association (Jamie's Place), 109 Norfolk Rd., Winthrop, WA 98862, requests an the placement of two tiny homes on wheels on the Association's property, as described and illustrated in the application materials.
2. The property is located at 109 Norfolk Road, in the Residential 3 zone of the Town of Winthrop; parcel number 8827200100.
3. The subject parcel is approximately 1 acre in size, and has adequate area to accommodate the proposed use. The proposed location of the tiny home units is at the rear of property, behind the two adult family homes, and as a result the units are unlikely to be visible from Norfolk Road.
4. The Town received the application August 11, 2022 and determined it to be complete on August 22, 2022.
5. Notice of Application and Public Hearing was mailed to landowners within 300' (listed in application file) of the subject property on August 24, 2022. The public hearing date was established as September 21, 2022, in front of the Winthrop Town Council.
6. The Notice of Application and Public Hearing was published in the Methow Valley News on September 14, 2022.
7. The application was determined to be categorically exempt from SEPA under WAC 197-11-800 (11.b) and (13). As of the date of this staff report, no comments have addressed the SEPA threshold determination.
8. The Town conducted a review of the application in accord with Chapter 19.04 of the Winthrop Municipal Code and provided notice for the public hearing.

Conclusions: Staff identified the following conclusions, which may be adopted or modified by the council. Depending on the Council's decision whether or not to grant the request for additional hours of operation, you may wish to add further conclusions.

1. The provisions of Section 17.36.045, pertaining to conditional use permits, and Title 19, Administrative Procedures, of the Winthrop Municipal Code were followed reviewing the permit application.
2. The Town Council is the appropriate body to hear and decide this conditional use permit application.
3. The proposed use of the subject property does not pose a conflict with the goals and policies of the Town's Comprehensive Plan.
4. As conditioned, the uses described in the application can be conducted in conformance with Title 17, Zoning, of the Winthrop Municipal Code.