

# PLANNING COMMISSION MEETING MINUTES

Monday, June 11, 2018

6:00 PM

**Planning Commission Members Present:** Valerie Hoy-Rhodehamel, Karen Ashley, Chris Ford, Matthew Knudsen, Shawn Van Pelt

**Excused Absence:** None

**Staff Present:** Ben Shumaker

**Community Members Present:** Bernard Versari, Rick May, Mary Repar

**Guest:** Sam Kolb, Washington Department of Fish and Wildlife

**Call to Order: 6:00 p.m.**

## Preliminary Matters

### 1. Chair Selected Public Comment Option #2

#### 2. Minutes May 14th & 29th Meeting Minutes

On the May 14th meeting minutes, **Versari** shared that he was quoted incorrectly. He asked for the sentence, "He stated that the hard copies were available for pickup on Friday this month but, again, the bylaws require by Thursday" to be stricken from the record.

MOTION: **FORD** moved to accept the minutes for May 14th with the correction. **ASHLEY** seconded. No objection. Approved unanimously.

On the May 29th meeting minutes, **Versari** highlighted discussion toward the end of the meeting and asked for additional comment to be included. During the discussion of Habitat Conservation Areas within the Critical Areas Ordinance, which included Shumaker's assessment of the projects he looked at, Versari had made the point that only two projects led to a critical buffer change without mitigation to the buffer.

MOTION: **VAN PELT** moved to accept the minutes for May 29th with the addition. **FORD** seconded. No objection. Approved unanimously.

### 3. Public Comment Period

None

## New Business

4. None

## Old Business

## 5. Critical Areas Ordinance Fish & Wildlife Habitat Conservation Areas, Programmatic Consistency

**Shumaker** highlighted the following sections of the memo with consensus or discussion to follow.

**Shumaker** noted that Exhibit B is more or less the final product of the definitions added due to comments over the past few meetings as well as from the public comment period. **VAN PELT** asked if the best science piece from Jefferson County was going to be part of the final document and **Shumaker** explained that it was not the intent but there is cross section on overall page 32.

Exhibit C and D had no changes.

Exhibit E highlighted changes as anticipated in regards to the limitation on frequency of tree trimming. The current draft Shoreline Management Program (SMP) states that the Critical Areas Administrator can say whether a report is needed as a new option. Input from the Department of Ecology led to the addition of the provision for fire safety under expedited review. **HOY-RHODEHAMEL** asked if an arborist is required and **Shumaker** confirmed no. **May** asked for clarity around what permits need to look like and **Shumaker** explained that those that are requesting permits should make sure they can give the information in whatever way they are comfortable with, whether that be writing out a summary or providing a drawing with details included.

Overall page 42, under Third-Party Review, there is now “either/or” language included on who pays for third party reviews and the city can chose to share the cost. **Repar** asked whether this a matter to be discussed with the city attorney and whether cost sharing is allowed or not based on how the decisions is made. **Repar** added that it could be unclear how City Council would handle such a decision and it would have to go through them. **KNUDSEN** suggested adding language explaining that there is a right to appeal to the Board of Adjustment. **HOY-RHODEHAMEL** asked how often people go through third party review and **Shumaker** explained that it has happened once. There was a consensus to move forward with the case-by-case cost sharing.

Exhibit G indicates minor changes to the review process as previously discussed.

Exhibit H highlights changes as outcome from the May meeting. Additional changes were made throughout the document to align with where it was also discussed in other areas of the report, such as Wetlands and Off Site.

Exhibit I had no changes since May.

Overall page 46, Mitigation Sequencing has been changed to be consistent with the language in the SMP and the policy remains the same.

Exhibit K was changed to be more flexible. The “shalls” became “shoulds” and the qualified professional can make decisions on what’s most appropriate.

Exhibit L had a typo corrected.

Exhibit M, Bonds, includes language that hasn't changed since the 2008 ordinance. The “other security” within statements such as “bonds or others security” was explained with an escrow account example. Discussion continued around the issue with bonds and the requirement for a borrower to have more than the cost of the project available to acquire one. Although the bond is one option available, there was discussion around other options being more reasonable. As **May** noted, the language “amount deemed acceptable to the city” means the city can take a cost and put it into a separate bank account and pull it out as needed. **VAN PELT** added that whether to put up cash or to put up a bond is still a draw. **Shumaker** clarified that it is a bond for uncompleted mitigation and it is a bond for maintenance and insuring mitigation worked. Further, **Shumaker** noted language which demonstrates application to both completing the project before final approval and the city holds money for continued maintenance as well as penalties for not completing the project before final approval. A bond, or other security, is still required even with the money off to the side. **Shumaker** also noted overall page 59 which it explains that the qualified professional in mitigation planning needs to provide a cost estimate, which will help the applicant in knowing how much money needs to be put aside. The applicant’s qualified professional will also be responsible for the monitoring. **Shumaker** added that if loan financing is involved then city permit conditions become eligible costs to draw loan funds toward. **HOY-RHODEHAMEL** stated that the way the titles were written, it appears that some steps require bond only even though the other options are listed out within the description. She suggested changing the title to “Bonds, Financial Security” so that the section doesn’t look like just bonds. **Shumaker** suggested changing financial security in the section title and also in the A, B, C, etc. as well as the language throughout to replace “bonds” with “bonds or other funds”.

Exhibit P, Violation penalty was agreed on at the May meeting to be less specific but is otherwise the same.

Exhibit Q, The Commission discussed the habitat buffer table for riparian areas and how it applies to endangered species, this could include owls, for instance, and not just salmon. **FORD** noted that some species of salmon are endangered while others are not and this is always changing. **Shumaker** noted that for specific fish species it is in the water work and not the stream buffer. **Kolb** added that it wouldn’t be hard to argue that there is a relationship between riparian species inland and endangered species in the water and the need for buffers for both. **Shumaker** explained that there is a list of things that should occur with priority habitats and species documents and that the language in this section is meant to be general enough to evolve over time with the qualified professional determining what is best. **Kolb** explained that there are recommendations vested through best available science but it’s different for every species. **Shumaker** added that the habitat report has a list of sources used for information on mitigation planning so that will be used and then the city will call Fish and Wildlife. Table note 4 on page 56 to be changed from “unrelated to stabilization function” to “do not provide significant bank stabilization functions”.

For Exhibit R, many things were moved around to be consistent with the wetland section, including the mitigation plan was moved up as requested and the table was deleted that didn’t have a source available. The bar was raised with buffer averaging but it now makes it more flexible. **Shumaker** noted page 46 which identifies that every proposal gets reviewed and seeks to avoid and minimize impact so this avoid and minimize process should already be completed

before going to buffer averaging. The functionally isolated buffer changed to match wetlands with words on policy and is now more flexible and there is additional flexibility through the onsite mitigation already described through the enhancement explanation. The definition of “feasible”, which is already in the SMP, will be added to this report as well. The reduction through enhancement is reduced to 70% instead of reduced up to 30% to be consistent with other language. On overall page 57, offsite mitigation changes to be more flexible with the location, previously stated as urban only now it states a preference of urban. **Shumaker** explained that this change is based on a source of best available science. **Shumaker** also noted that mitigation projects haven’t been successful, on a city or state level, because there hasn’t been ongoing monitoring or a contingency plan. **HOY-RHODEHAMEL** noted that, on page 57, those who maintain buffers do so at no advantage and those who degrade get a benefit. **Shumaker** and **Kolb** noted the buffer reduction and buffer averaging. **KNUDSEN** suggested those who maintained, but don’t get a reduction, could receive a different advantage such as a tax benefit therefore encouraging a positive example. **May** questioned how this would be done and who would monitor it. **HOY-RHODEHAMEL** stated that she wanted the point to be heard but did not have an answer at this time and it was okay to move on. **Kolb** explained that buffer averaging is when, for instance, there is a cut in 25 feet in one area then bumped out 25 feet in another area. **HOY-RHODEHAMEL** suggested allowing enhancements in areas that aren’t degraded and **Kolb** suggested changing “degraded conditions” to “appropriate mitigation or enhancement”. **Shumaker** also suggested adding something about the ratio of preservation to offsite mitigation so that one could sell that area. **Shumaker** explained mitigation banking as, for instance, having a section of stream that the city has an enhancement plan then someone can pay for the impact on their property in order to improve it somewhere else. This is paying for someone else to mitigate off site. **HOY-RHODEHAMEL** noted that at a ratio of 2.5 it’s doesn’t seem likely that many people will take us up on this offer. Overall page 58, buffer standards table is generally from the SMP and deals with hard barrier habitat areas in enhanced state that you can’t do anything with and it also allows for more flexibility. **Versari** noted the hazard tree language stating similar species replacement and suggested additional flexibility on type of tree. **Kolb** added that language should be added about native species replacements. The additional text with the habitat mitigation section reflects what's in the wetlands code.

**HOY-RHODEHAMEL** noted page 59, part f highlights bond estimate and suggested same addition of language such as “bonds or other funds” that was discussed in review of the bond section. **Shumaker** to look at it and add if appropriate.

At this time, the Planning Commission reached consensus to move document forward to City Council, after Shumaker makes the changes discussed. Next steps include SEPA in the paper next week and, after additional comments from state and federal departments, it will be ready to bring back to Commission or move forward to City Council.

## **Discussion**

### **6. Staff & Commission Reports SMP Public Comments, Sewer Value Planning, City Council looking at the Road Diet**

The SMP public comments still left to address were also discussed as a part of tonight's discussion. **Shumaker** clarified that the SMP cannot be adopted until the Critical Area

Ordinance is adopted. There is work still to do on finishing the public and DOE comments and the update on the responsiveness summary to keep in the record. Last time the Commission reviewed these comments, they stopped on 53 and now the list goes to 63, based on the comments from the DOE and one from a property owner. The property owner was the one with boundary line adjustment and the Commission applied residential to the whole property and he saw staff recommendation to be natural or residential and thought natural was picked.

The city needs 12 million dollars toward a new sewer treatment plant and 10 million in collection system raises rates from \$30 in 2016 to \$115 dollars by 2021. The sewer plant is currently over rated capacity and is unable to treat the over rating means being over in affluent. We need to do improvements to reduce waste or improve ability to treat it. The city is currently working with the largest business users and the work continues with BOD testing. **Repar** added that other choices have been presented to the city during a recent value planning meeting and there will be a report written in three weeks from the Center of Sustainable Infrastructure to help consider what is most cost effective. The funding strategy is to bring in as much outside money as possible and the CERB Plan, the DOE Design Grant are money secured that won't have to come from the citizens. We are also looking into an EDA Emergency grant. The project timeline is in a domino effect which could lead to construction by 2020-2021. Compared to last year's sewer plan that was more concrete, the value planning steps back and looks into more options. **Repar** added that this process seemed to make industries feel more positive about the project and less finger pointing. **Shumaker** highlighted that Stevenson will be a case study on value planning. **Shumaker** noted that we are not the only community dealing with this issue and this planning approach may become a necessary step when faced with these issues. **Versari** asked for clarification around the expected rate increase and **Shumaker** explained that this year will be up 50% and next year another 25%. According to DOE our rates for sewer only will no longer be considered affordable when they exceed \$68. For USDA the amount is closer to \$49.

The City Council heard public comment on the road diet and the Commission's previous decision not to move forward but the Council would like to look at it in July. **Shumaker** asked if the Commission was interested in contributing. **KNUDSEN** stated that he is still holding to not touching it twice. **May** explained that the Council was going through a list of all the road projects and some citizens were upset about not getting to certain projects. Further, **May** explained that, in the interim, we're taking a lot of land to create roads and it's not necessary and needs flexibility.

**Versari** asked about the new trail to the waterfront. **Shumaker** explained that volunteer labor from PCTA and WTA finished it up and the to do list for the pathway now is to get the remaining gravel spread and vegetation chipped and possibly poison on the blackberries. Removing the guardrail is a long term plan as well as adding sidewalk with guardrail protection.

## 7. Thought of the Month

None

**Adjournment 7:40 p.m. (1 hr 40 min)**

Approved \_\_\_\_\_; Approved with revisions \_\_\_\_\_

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Name

Date

*Minutes by Claire Baylor*



# City of Stevenson

## Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO:** Planning Commission  
**FROM:** Ben Shumaker  
**DATE:** August 13<sup>th</sup>, 2018  
**SUBJECT:** ZON2018-01- Shipping Containers

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### **Introduction**

On June 21<sup>st</sup>, 2018, the Stevenson City Council adopted a moratorium "on accepting applications or permitting the siting of shipping containers" in several areas of town. In the adopting ordinance (Attachment 1), The Council defined "shipping container" as "a standardized prefabricated steel, aluminum or plastic structure constructed for use in intermodal freight shipping." The memo initiates the Planning Commission's work on this topic.

The first section of this memo provides a brief overview of how shipping containers are currently treated under the City's building, planning, and public works regulations. The second catalogues the objectives and tactics of the Comprehensive Plan that are relevant to this discussion. The third and fourth ask the Planning Commission to provide direction on the scope of the amendment and the public involvement strategies to use during the amendment process.

### **Existing Regulations**

To help frame this issue for the Planning Commission, City staff reviewed what effect existing regulations have on this type of development. To address this for Planning Commission consumption, the following questions were asked/answered:

- Do the Department's codes and regulations specifically address shipping containers?
  - Building Department: **Yes.**
  - Planning Department: **No.**
  - Public Works Department: **See below.**
- If so, what is the code reference and what control does it provide?
  - Building Department: **There are a few answers to the question you have sent in.**  
**If the applicant was to construct this type of structure on his or her property and build it in place the conversion / construction would be regulated under the jurisdiction having authority after a typical review and approval. I would reference the current "I-codes" that we have adopted for the application review. It would be no different than building a Single family home or business.**  
**If the applicant was to construct the unit of site of the final placement area and ship the completed unit to its end use area it would be regulated by L & I's Factory Assembled Division for review, inspection and approval.**  
**The end users local jurisdiction having authority would then review the structures supporting foundation for approval and inspection. At the completion of the L & I review and approval process L & I would then forward a copy of the projects approved and stamped plans to the**

local jurisdiction so they know what had been reviewed and approved. A plan package and supporting information such as energy, and other appliance/product information would also arrive in the end users jurisdiction with a Notice to Local Enforcement Authority (NLEA) document. The NLEA provides the end users jurisdiction with information on what items will need to be completed at the final inspection (Foundation and structure attachment) site such as installation of a chimney, onsite gutters, connection of the utilities and electrical conductors which may not have been attached due to shipment constraints.

- Planning Department: N/A.
- Public Works Department: See below.
- Are shipping containers exempt from the Department's generally-applicable regulations?
  - Building Department: No.
  - Planning Department: No.
  - Public Works Department: See below.
- If exempt, what is the code reference and what general reason is the exemption granted (e.g., the shipping container's intended use, size, duration, etc.)?
  - Building Department: N/A.
  - Planning Department: N/A.
  - Public Works Department: See below.
- If duration matters, is there any distinction between how the code controls containers vs. and other mobile/temporary uses (food carts, produce tents, fireworks trailers, travel trailers, etc.)
  - Building Department: No, with the exemption of produce tents and fireworks trailers. If the tent is large enough it would come under the guidelines of the International Building Code, Temporary Structures, Chapter 3103 and the International Fire Code. Fireworks trailers, tents or any other temporary structure used to sell fireworks would have to meet the "retail fire works permit regulations" that both the City and the Washington State Fire Marshal require.
  - Planning Department: N/A.
  - Public Works Department: See below.
- Which of the Department's generally-applicable regulations do you feel provide the strongest controls on the siting of shipping containers?
  - Building Department: The International Building Code, The International Residential Code and the State of Washington Labor and Industries Factory Built Structure Program.
  - Planning Department:
    - SMC Table 17.13.010-1 (1)(c). If uses as a dwelling unit, the structure would need 1) appropriate plumbing & mechanical systems, 2) to be mounted on a permanent foundation, 3) meet structural requirements, etc.
    - SMC 17.25.070(B)(1) – Blank Wall Standards. If sited 1) in the C1 Commercial District and 2) within 15 feet of a public sidewalk, shipping containers would be need to provide windows and doors that equal at least 50% of the length of the building wall, and 25% of the area of the building wall.
    - SMC 17.25.100 – Trade Districts Landscaping. If sited in the CR Commercial Recreation or M1 Light Industrial districts, then landscaping would need to be installed between the building wall and the street.
    - SMC 17.25.110(B)(3) – Sidewalk Food Service. If the site uses the sidewalk as part of its food or vending operation, it would have to 1) retain width for passers-by to continue using the sidewalk, 2) have permission from the adjoining property owner/lessee, 3)

ensure litter is removed and the site is maintained, and 4) remove all parts of the activity at the end of each business day.

- SMC 17.25.145(B) – Sign Standards. The total amount of signage allowed is based on a percentage of the size of the building on the lot in all 3 of the Trade Districts. Because shipping containers are smaller than most other buildings, the amount of signage allowed is also less than other buildings.
- **Public Works Department:** If the container is placed with public ROW, then I feel that I have a strong control of the siting of the container. If it is placed outside of public ROW, and the use requires utility connections, then I would rely on the water sewer codes (SMC Title 13) to regulate the siting. If those requirements are met, then Public Works does not have a condition to NOT allow the siting of a shipping container, if/when the moratorium is lifted.

The Public Works Department approached these questions differently, providing the following:

1. Shipping container used for storage:
  - a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
2. Shipping Container used as storefront/equipment rental:
  - a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a Jong term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
  - b. Review for utility requirements (SMC Title 13, SES Volume 1, Chapters 4 & 5, Volume 2, Chapters 4 & 5), ifno water or sewer then Public Works review is complete.
3. Shipping Container used as food service establishment:
  - a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
  - b. Review for utility requirements (SMC Title 13, SES Volume 1, Chapters 4 & 5, Volume 2, Chapters 4 & 5), ifno water or sewer then Public Works review is complete.
  - c. If water and sewer is required, it would currently not be approved, due to sewer moratorium (Ordinance 2018-1120), unless discharge is pretreated to domestic strength.
4. Shipping Container used as a residence:
  - a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
  - b. Water and sewer requirements (SMC Title 13, SES Volume 1, Chapters 4 & 5, Volume 2, Chapters 4 & 5) reviewed as typical new structure requirements.

- c. Driveway requirements (SES Volume 1, Chapter 2, Section 2.22) reviewed as typical new structure requirements.

### **Guiding Policies**

As the Planning Commission evaluates the above information in relation to this topic, the 2013 Stevenson Comprehensive Plan will provide useful support and guidance. In staff's review 3 general directions emerge from the specific objectives listed below:

- A. The look and feel of downtown is important to the community.
- B. New types of development should be embraced, provided they have been considered and meet community goals.
- C. Development and redevelopment costs are important considerations.

### **Community & Schools**

- 1.7 Facilitate the school district's efforts to provide quality educational programs now and into the future.
  - 1.7-1 Establish flexible zoning regulations for schools and related activities to ensure the schools' ability to enhance facilities.
- 1.17 Provide a clean, visually attractive community.
  - 1.17-1 Facilitate and support activities to beautify the community, such as a Community Beautification Day.
  - 1.17-2 Establish a high enforcement area for nuisances in highly visited areas of the city, such as along Second and First streets, Cascade Avenue, and Rock Creek Drive.

### **Urban Development**

- 2.4 Establish landscaping standards and guidelines.
  - 2.4-1 Consider establishing landscaping standards in heavily travelled and commercial, industrial, and recreational areas.
  - 2.4-2 Consider developing landscaping guidelines for residential areas.
- 2.12 Facilitate and encourage the use of innovative building types and land development patterns that encourage conservation of energy and other resources.
- 2.13 Establish standards for urban development that encourage mixtures of land uses and intensities.
- 2.15 Minimize the impacts of abutting conflicting land uses by subjecting the more intensive land use or the site being developed to special site development standards.

### **Housing**

- 3.1 Periodically review and revise land development regulations for residential areas to accommodate changing social and economic needs of residents.
- 3.2 Encourage a range of residential land uses, housing sizes, types, and price ranges and establish appropriate development criteria.
  - 3.2-1 Allow for development of accessory dwelling units, cluster housing, condominiums, and planned unit developments that allow trade-offs as a development incentive.
  - 3.2-2 Ensure adequate and buildable areas for multi-family housing development.
- 3.3 Develop affordable housing goals.
  - 3.3-1 Establish programs and incentives that lead to housing meeting the City's affordability goals, such as property tax abatement and inclusionary zoning.
- 3.4 Establish property maintenance ordinances.
- 3.6 Review and carefully consider the immediate and long term effects of fees, charges, regulations, and standards on dwelling costs.

- 3.8 Review all development proposals for compatibility with surrounding established residential areas. Policies related to land use, transportation, public facilities, and utilities should seek to maintain and enhance the quality of these areas.

### **Downtown & Waterfront**

- 4.1 Revise the "Downtown Plan" to encourage improving the downtown commercial area to support local needs and expand the recreation and tourist industry.
- 4.1-1 Establish programs to beautify the downtown core.
- 4.1-2 Consider establishing downtown design standards and/or guidelines.
- 4.3 Periodically review and revise zoning ordinances to diversify and enhance the downtown economy.
- 4.3-2 Encourage adaptive reuse in the design of new downtown buildings.
- 4.7 Ensure that both public and private properties located along entrances to Stevenson are attractively maintained.
- 4A.3 Manage lands abutting the Columbia River and Rock Creek for the benefit of the community.
- 4A.3-2 Review development proposals on or near banks and floodway of the River and creeks to maintain the recreation and open space potential while promoting healthy and visually attractive environments.
- 4A.4 Reduce impediments to attracting waterfront investors.

### **Business & Industry**

- 5.6 Support the development of industrial lands and buildings.

### **Scope of Amendments**

The first decision the Planning Commission is asked to make relates to the scope of the project. Staff anticipates at least 3 possible approaches:

- Approach 1: **No Change**
- Approach 2: **Targeted Controls**
- Approach 3: **Downtown Plan Update**

#### No Change Approach

Under this approach, the Planning Commission could review the City Council concerns, evaluate the effect of the existing regulatory programs (or request additional information to assist the evaluation), and determine the current regulatory program is satisfactory. If this is the case, then the project would be completed when moratorium is lifted.

#### Targeted Controls Approach

If the Planning Commission believes the current regulatory programs are unsatisfactory, then we could undertake a Zoning Code amendment that would add controls (location prohibitions, design requirements, etc.) that would apply specifically to shipping containers. Staff anticipates approximately 4 months and 2 Planning Commission meetings would be necessary under this approach.

#### Downtown Plan Update

While not mutually exclusive from the Targeted Controls Approach, this effort could seek to address whatever is unsatisfactory about the current regulatory programs. This approach would require consultant support but could address a broader array of interrelated issues (traffic, design, parking, etc.). Estimated completion date would be in the fall of 2019 and require at least 3 appearances on the Planning Commission agenda with a potential for additional subcommittee meetings by commissioners.

**Decision Point:** Staff asks for initial guidance on the scope of the amendment the Planning Commission is expecting. Based on the brief review of the information provided tonight, what is the Planning Commission’s initial preference?

**Public Involvement**

To ensure the Planning Commission’s decisions incorporate public input and occur within manageable timelines, the Planning Commission is asked to review the following and select the public involvement strategies that best fit this effort. The options below are general in nature and available for selection during any amendment process.

<b>Public Involvement Strategy</b>		
<p><b>Legal Notice in Paper:</b> Required- Two notices published not less than 10 days before City Council public hearing Optional- Additional notices published as needed</p>	<p><b>Planning Commission Recommendation:</b> Required- Planning Commission must recommend action on any draft ordinance</p>	<p><b>Public Hearing:</b> Required-City Council hearing prior to adoption of amending ordinance Optional-Planning Commission hearing during review &amp; recommendation</p>
<p><b>Task Force:</b> Optional- A small group convened to provide direct guidance and input from highly affected stakeholder groups</p>	<p><b>Special Meeting/Workshop:</b> Optional- Special meeting designed to allow stakeholders to get into deeper detail on a draft ordinance</p>	<p><b>Survey/Questionnaire:</b> Optional- Questionnaire designed to solicit specific and general feedback on the topic and/or draft ordinance</p>
<p><b>Press Release:</b> Optional- Press release in paper more fully explaining City’s intent and/or progress Optional- Press release soliciting specific and general feedback on the topic and/or draft ordinance</p>	<p><b>Iterative Workshops:</b> Optional- A series of special meetings designed to allow stakeholders to provide policy guidance before <i>and</i> after a draft ordinance is developed</p>	<p><b>Other Tool:</b> Optional- -Visual Preference surveys -Windshield/Walking surveys -Site visits</p>

**Decision Point:** The scope of the public involvement strategy is subject to changes over time as issues become better identified, but staff seeks upfront input on the initial strategies that should be implemented. The top row of strategies are the bare minimum required by State law. Should any other strategies be implemented as part of this effort?

**Next Steps**

Upon receipt of the guidance requested above, staff will 1) develop a skeletal scope of work and project timeline, 2) initiate the first steps of the public involvement strategy, 3) provide a more detailed primer on the Shipping Container regulation, and 4) summarize nearby and model programs from other communities. The Planning Commission should expect this topic to next appear on the March 13<sup>th</sup> meeting agenda.

Prepared by,

Ben Shumaker  
Planning Director

Attachment:

- Public Comment: Kari Fagerness, Skamania County EDC
- Staff Summaries & Additional Information

## Ben Shumaker

---

**From:** Kari Fagerness  
**Sent:** Friday, July 13, 2018 10:34 AM  
**To:** scott.anderson@ci.stevenson.wa.us; Leana Johnson  
**Cc:** Ben Shumaker; karl@ci.stevenson.wa.us

To All:

As you look at revising the land use code to address shipping container structures.....Bob Hamlin and I are participating on a conference call with this company today to discuss potential opportunities in the gorge for these types of structures to reduce costs for housing and development in general.

<https://www.sgblocks.com/>

Kari Fagerness  
Executive Director  
Skamania County Economic Development Council  
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# City of Stevenson

## Building Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**To:** Ben Shumaker  
**From:** Karl Russell, Building Official  
**Date:** 08/01/2018  
**Subject:** Factory Built Structures

Do the Department's codes and regulations specifically address shipping containers? **YES** If so, what is the code reference and what control does it provide? **There are a few answers to the question you have sent in.**

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If duration matters, is there any distinction between how the code controls containers vs. and other mobile/temporary uses (food carts, produce tents, fireworks trailers, travel trailers, etc.)

No, with the exemption of produce tents and fireworks trailers. If the tent is large enough it would come under the guidelines of the International Building Code, Temporary Structures, Chapter 3103 and the International Fire Code. Fireworks trailers, tents or any other temporary structure used to sell fireworks would have to meet the "retail fire works permit regulations" that both the City and the Washington State Fire Marshal require.

Which of the Department's generally-applicable regulations do you feel provide the strongest controls on the siting of shipping containers? **The International Building Code, The International Residential Code and the State of Washington Labor and Industries Factory Built Structure Program.**

Please feel free to reach out if you have any further questions.

Regards,  
Karl Russell  
Building Official, City of Stevenson



# City of Stevenson

## Building Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO:** Ben Shumaker  
**FROM:** Karl Russell, Building Official  
**DATE:** July 30, 2018  
**SUBJECT:** Storage Containers and Tiny Homes

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Ben, hopefully this answers any questions as to the process of modifying a storage container for use as a business or dwelling.

If the applicant was to construct this type of structure on his or her property and build it in place the conversion / construction would be regulated under the jurisdiction having authority after a typical review and approval.

If the applicant was to construct the unit of site of the final placement area and ship the completed unit to its end use area it would be regulated by L & I's Factory Assembled Division for review, inspection and approval. The end users local jurisdiction having authority would then review the structures supporting foundation for approval and inspection. At the completion of the L & I review and approval process L & I would then forward a copy of the projects approved and stamped plans to the local jurisdiction so they know what had been reviewed and approved. A plan package and supporting information such as energy, and other appliance/product information would also arrive in the end users jurisdiction with a Notice to Local Enforcement Authority (NLEA) document. The NLEA provides the end users jurisdiction with information on what items will need to be completed at the final inspection (Foundation and structure attachment) site such as installation of a chimney, onsite gutters, connection of the utilities and electrical conductors which may not have been attached due to shipment constraints.

Please let me know if you have further questions and I will be happy to assist. I have also attached a document which provides some definitions and insight as to what many customers are calling "Tiny Homes" This will assist in actually knowing what someone is looking to build when they say they are building a Tiny Home. It may also generate a few questions.

## TINY HOMES

L&I frequently receives inquiries regarding “tiny homes” and questions about the rules and requirements that apply to them. Normally, a “tiny home” is occupied and used as a dwelling, in which case it is a building regulated by the state building code. The exemption in the building code for small sheds and accessory structures does not apply to a structure used as a dwelling.

Tiny homes constructed on site are regulated by the local building department and electrical program. A tiny home constructed off site and shipped to a location in Washington State, is a modular building regulated as a “factory built structure” under RCW 43.22 and WAC 296-150F by the L&I Factory Assembled Structures (FAS) program. All factory-built structures must meet the relevant provisions of the current state building and electrical codes.

If the “tiny home” is; less than 400 square feet, mounted on a permanent chassis, and used for temporary recreational purposes such as a lake cabin, then it may be a Park Model Recreational Vehicle (PMRV), also known as a Recreational Park Trailer (RPT). PMRV/RPT's are constructed to the national consensus standard ANSI A119.5 and are designed only for “temporary recreational purposes.” They are not intended or approved to be used as a dwelling or home. Installation and use of recreational units is subject to local zoning and land use regulations. There is an exception in state law, RCW 36.01.225 that allows a PMRV/RPT to be used as a residence if it is located in a manufactured/mobile home community, as defined in RCW 59.20.030 and is hooked up to utilities.

More information on the L&I modular building program can be found on the L&I web site or by calling the FAS program at 360-902-5218.

August 22, 2017

## What you need to know about “Tiny Homes”

L&I frequently receives inquiries regarding the rules and requirements for “tiny homes”.

There is no official definition of “tiny home”. All “tiny homes” in Washington must meet either the [State Building Code requirements](#) (RCW 19.27.031), Park Model RV (PMRV) requirements, the Recreational Vehicle (RV) requirements (RCW 43.22.340) or the HUD Manufactured Home Construction and Safety Standard (CFR 3280) depending on how it will be used and constructed.

Please note that while L&I inspects and labels several of these types of structures, or units, cities and counties are responsible for regulating how all structures, or units, including, RV’s, PMRV’s modular buildings and manufactured homes can be used within their jurisdictions. If you have questions about using an RV, PMRV, modular building or manufactured home as a “tiny home”, please contact your [local building department](#) first. **L&I can only approve the construction of RV’s, PMRV’s and modular buildings, not how they are used or where they can be located.**

Step by step – Getting your tiny home approved by L&I.

**Step 1).** Determine if your structure, or unit, can be approved by L&I.

- Your structure cannot be approved by L&I if:
  - The home will be used to live in as a *dwelling unit\** and –
  - The home is being built on the site where it will be used or
  - The home is a HUD approved manufactured home or
  - The home is converted from something else such as a shipping container, shed or other open framed building (like those found home improvement stores, or ordered online), and the conversion is taking place on the site where it will be used.

*\* DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

Site built, or converted tiny homes are regulated by the local cities and counties, [please contact your local building department with questions about permitting and inspections.](#)

- Your structure can be approved by L&I as a modular building if:
  - The home will be used to live in as a *dwelling unit\** (this is the only type of structure approved by L&I to be used as a *dwelling unit\**) and –
  - The home is being constructed somewhere other than where it will be used and

- The home is built to the [State Building Code requirements](#). NOTE: The building can be any size allowable by the code(s).

*\* DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

- Your unit can be approved by L&I as a Park Model RV (PMRV) if:
  - The home is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and -
  - The home is built on a single chassis, mounted on wheels so that it can be moved around. PMRV's may be wider than 8'-6" (but must be transportable on the road, contact the Washington State Patrol and Department of Transportation for more information) and
  - the unit does not exceed 400 square feet when set up. If square footage will exceed 400 square feet see the modular building requirements. NOTE: this is not a complete definition. [See WAC 296-150P](#) for complete details.
- Your unit can be approved by L&I as a Recreational Vehicle (RV) if:
  - The home is designed primarily for recreational camping or travel use and -
  - The home no wider than 8'-6" in travel mode and is a vehicular type unit, or built on a vehicle chassis, so that it can be moved around and
  - does not exceed 400 square feet in area when set up. NOTE: this is not a complete definition. [See WAC 296-150R](#) for complete details.

**Step 2).** Submit plans showing how you will build your Modular "tiny home", RV or Park Model RV. We will review your plans to the codes, or standards, that apply. Please see the following fact sheets RV's ([link](#)), PMRV's ([link](#)), modular homes ([link](#)) for additional information.

**Step 3).** Have your structure, or unit, inspected. Once your plans are approved we will provide you instructions on how to schedule inspections. We will charge you for the time and mileage to do the inspection, normally around \$200 each trip (within the state). Two to three trips are typically required.

### **Modular "home" fact sheet.**

Modular homes are structures, which are used as dwellings and are built somewhere other than where they will be used or installed. They can be mounted on chassis or moved by means of a separate trailer. Modular homes can be installed permanently or moved from place to place but the installation and use always requires permits from the local city or county building department. All modular buildings must meet the requirements of the Washington State Building Code and must be inspected and approved by

Labor & Industries. Any foundation system for a modular home, including types such as a chassis, post & pier, footing & stem wall, etc. must be permitted, reviewed and approved by the local building department. Modular homes can be of any size and shape within the broad limits of the building code.

To have your modular home approved by L&I, first prepare construction plans for your home showing that it will meet the requirements of the Washington State Building code. You can find out more about the codes that apply to your project at the Washington State Building Code website <https://fortress.wa.gov/ga/apps/sbcc/Default.aspx>. If you are unfamiliar with building code requirements or with construction techniques, you should employ a design professional such as a Professional Engineer or Architect to help you.

The plans must include floor plans, elevations, cross sections, structural details, truss drawings foundation/anchoring plans, plumbing, mechanical and electrical drawing. A packet of information with more detailed information on modular buildings can be found on the L&I website <http://www.lni.wa.gov/TradesLicensing/FAS/OtherMobileStructures/default.asp>

The structural portions of the plans must be stamped by a Washington State registered Professional Engineer or Architect and include a basic structural analysis showing the building meets the minimum structural design requirements of the building code. Other non-structural drawings such as electrical and plumbing drawings are not required to be stamped except when they have been prepared by a licensed architect or engineer.

Modular homes must also meet the requirements of the Washington State Energy Code. Information on the energy code be found at the Energy WSU website <http://www.energy.wsu.edu/BuildingEfficiency/EnergyCode.aspx>. The web site also has the compliance forms that need to be filled out and submitted with your plans.

When your plans are ready, mail us three complete sets of plans, calculations and supporting documents. Include a completed "plan application" (form F623-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=102> and the plan review fee. Please contact us at [FAS1@lni.wa.gov](mailto:FAS1@lni.wa.gov) for help figuring the plan review fee; for a small home under 400 square feet it will be around \$450. Our mailing address is on the application form. You should also include a completed Insignia request (form F623-014-000) and NLEA (form F623-013-000). The insignia/NLEA fee for a home built in one piece is \$310.40. All fees can be on the same check.

New modular plans are put in line for review and normally there is a backlog of several weeks before we start reviewing them. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your modular home. Depending on the complexity of your home there will be two or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the modular home meets the requirements of the Washington State Building Code and once your home has passed inspection, he will put the Washington State Modular insignia (gold seal) on the unit.

The work on all electrical and plumbing systems must be performed by Washington State licensed electricians and plumbers with some exceptions for owners working on their own property as allowed by RCW 19.28 and RCW 18.106.

### **RV fact sheet for units built by an individual or small manufacturer.**

Recreational Vehicles (RV's) are trailers or motorized vehicles used for recreational camping or travel and must meet the requirements found in the NFPA 1192 Standard on Recreational Vehicles. RV's must be a licensed legal vehicle so they cannot be over 8'-6" wide or 14' in height when in travel mode and they cannot exceed 400 square feet in set up mode (fifth wheel units are limited to 430 square feet).

While most RV's are built by specialized factories, individuals can also build an RV. Whether you are building an RV for your personal use or you are a small business located in Washington State that is building RV's for in-state consumers, you will need to have your RV inspected and approved by L&I. RV's being built for sale or lease in Washington must pass L&I inspections and have a Washington State RV label. If you are building an RV for your personal use you should have it inspected and labelled by L&I so that it can be licensed and insured. Sometimes people use existing vehicles in alternate ways. L&I is only involved with vehicle conversions if systems such as 110/120V electrical, propane gas, or plumbing systems are added.

To have your RV approved by L&I, first obtain a copy of the NFPA 1192 standard and the UPA-1 plan guide from NFPA.org or the RVIA.org bookstore. Next, prepare construction plans for your RV using the UPA-1 as a guide. The plan set should include the drawings listed in the UPA-1 and show all relevant information as outlined in the guide. You can omit any information that is not applicable to your design. Your plans do not need to be stamped by an engineer or architect.

When your plans are ready, mail us two copies along with a completed "plan application" (form F622-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=99> and the plan review fee of \$93.90. Our mailing address is on the application form. You should also include a completed RV Insignia order (form F622-021-000) and the \$25 insignia fee. Both fees can be on the same check.

New RV plans are put in line for review and normally there is a backlog of several weeks before we start reviewing them. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your RV. Depending on the complexity of your RV there will be one or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the RV meets the requirements of the NFPA 1192 standard and once your RV has passed inspection, he will put the Washington State RV insignia on the unit.

You are not required to use licensed electricians and plumber for wiring and plumbing systems in RV's, however the plumbing, gas and electrical systems must still be designed, and installed, to code. If you

are not familiar with plumbing and electrical systems, you need to employ licensed professional electricians and plumbers to help you and who will make sure the work is installed to code. L&I cannot advise you on, or help you learn, how to do this work.

**PMRV fact sheet for units built by an individual or small manufacturer.**

Park Model Recreational Vehicles (PMRV's) are trailers that provide temporary living quarters for recreational, camping or seasonal use and must meet the requirements found in the ANSI A119.5 Park Model Recreational Vehicle Standard. PMRV's must be built on a single permanent chassis, mounted on wheels, and be transportable down the highway. If they exceed 8'-6" in width or 14' in height when in travel mode they will need special transportation permits and may be limited on where and how they can be moved over the road. PMRV's cannot exceed 400 square feet in overall floor area, including projections in set up mode.

While most PMRV's are built by specialized factories, individuals can also build a Park Model RV. Whether you are building a PMRV for your personal use or you are a small business located in Washington State that is building Park Models for in-state consumers, you will need to have your PMRV inspected and approved by L&I. Park Model RV's being built for sale or lease in Washington must pass L&I inspections and have a Washington State PMRV label. If you are building a Park Model RV for your personal use you should have it inspected and labelled by L&I so that it can be licensed and insured.

To have your Park Model RV approved by L&I, first obtain a copy of the ANSI A119.5 standard and the UPA-1 plan guide from the RVIA.org bookstore. Next, prepare construction plans for your PMRV using the UPA-1 as a guide. The plan set should include the drawings listed in the UPA-1 and show all relevant information as outlined in the guide. In addition, if your PMRV is over 8'-6" wide you need to provide structural drawings, such as cross sections, framing details, truss drawings and elevations showing that the roof, walls, floor and chassis meet the construction requirements of chapter 5 in the ANSI standard. Other structural designs can be approved, when stamped by a Washington State registered Professional Engineer or Architect.

When your plans are ready, mail us two copies along with a completed "plan application" (form F622-006-000) from our web site <http://www.lni.wa.gov/FormPub/results.asp?Section=4&SubSection=99> and the plan review fee (\$129.90 if over 8'-6" wide otherwise \$98.20). Our mailing address is on the application form. You should also include a completed RV/PMRV Insignia order (form F622-021-000) and the \$25 insignia fee. Both fees can be on the same check.

New PMRV plans are put in line for review and usually there is a backlog of several weeks before we start the review. If the plans examiner has questions or needs additional information, we will contact you directly. Once we have reviewed and approved your plans, you will be able to have us inspect your PMRV. Depending on the complexity of your PMRV there will be two or more inspections while you are building it. Inspections are about \$200 each (in state) depending on how far the inspector has to travel. The inspector will verify that the PMRV meets the requirements of the ANSI A119.5 standard and once your PMRV has passed inspection, he will put the Washington State Park Model RV insignia on the unit.

You are not required to use licensed electricians and plumber for wiring and plumbing systems in PMRV's, however the plumbing, gas and electrical systems must still be designed and installed to code. If you are not familiar with plumbing and electrical systems, you need to employ licensed professional electricians and plumbers to help you and who will make sure the work is installed to code. L&I cannot advise you on or help you learn how to do this work.



# City of Stevenson

## Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO:** Planning Commission  
**FROM:** Ben Shumaker, Planning Director  
**DATE:** July 26<sup>th</sup>, 2018  
**SUBJECT:** Shipping Container Moratorium—Existing Planning Department Controls

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### **Introduction**

On June 21<sup>st</sup>, 2018, the Stevenson City Council adopted a moratorium “on accepting applications or permitting the siting of shipping containers” in several areas of town. They defined “shipping container” as “a standardized prefabricated steel, aluminum or plastic structure constructed for use in intermodal freight shipping.” This memo summarizes how the existing Zoning Code and Environmental Protection codes function to control the siting of shipping containers.

### **Summary of Existing Controls**

Three high-level questions guide the Planning Department’s review of this topic:

#### **Do the Planning Department’s codes and regulations specifically address shipping containers?**

No.

**If so, what is the code reference and what control does it provide?**

N/A

#### **Are shipping containers exempt from the Department’s generally-applicable regulations?**

No.

**If exempt, what is the code reference and what general reason is the exemption granted (e.g., the shipping container’s intended use, size, duration, etc.)?**

N/A

**If duration matters, is there any distinction between how the code controls containers vs. and other mobile/temporary uses (food carts, produce tents, fireworks trailers, travel trailers, etc.)?**

N/A

#### **Which of the Planning Department’s generally-applicable regulations do you feel provide the strongest controls on the siting of shipping containers?**

- SMC Table 17.13.010-1 (1)(c). If used as a dwelling unit, the structure would need 1) appropriate plumbing & mechanical systems, 2) to be mounted on a permanent foundation, 3) meet structural requirements, etc.
- SMC 17.25.070(B)(1) – Blank Wall Standards. If sited 1) in the C1 Commercial District and 2) within 15 feet of a public sidewalk, shipping containers would need to provide windows and doors that equal at least 50% of the length of the building wall, and 25% of the area of the building wall.

- SMC 17.25.100 – Trade Districts Landscaping. If sited in the CR Commercial Recreation or M1 Light Industrial districts, then landscaping would need to be installed between the building wall and the street.
- SMC 17.25.110(B)(3) – Sidewalk Food Service. If the site uses the sidewalk as part of its food or vending operation, it would have to 1) retain width for passers-by to continue using the sidewalk, 2) have permission from the adjoining property owner/lessee, 3) ensure litter is removed and the site is maintained, and 4) remove all parts of the activity at the end of each business day.
- SMC 17.25.145(B) – Sign Standards. The total amount of signage allowed is based on a percentage of the size of the building on the lot in all 3 of the Trade Districts. Because shipping containers are smaller than most other buildings, the amount of signage allowed is also less than other buildings.

Prepared by,

Ben Shumaker



# *City of Stevenson*

## **Public Works Department**

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO:** Ben Shumaker, Planning Director

**FROM:** Eric Hansen, Public Works Director

**DATE:** 7/31/2018

**SUBJECT:** Shipping Container Moratorium Report

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The Public Works Department will classify shipping containers into 4 categories and will review them as follows:

**1. Shipping container used for storage:**

- a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.

**2. Shipping Container used as storefront/equipment rental:**

- a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
- b. Review for utility requirements (SMC Title 13, SES Volume 1, Chapters 4 & 5, Volume 2, Chapters 4 & 5), if no water or sewer then Public Works review is complete.

**3. Shipping Container used as food service establishment:**

- a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than

- City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
- b. Review for utility requirements (SMC Title 13, SES Volume 1, Chapters 4 & 5, Volume 2, Chapters 4 & 5), if no water or sewer then Public Works review is complete.
  - c. If water and sewer is required, it would currently not be approved, due to sewer moratorium (Ordinance 2018-1120), unless discharge is pretreated to domestic strength.

**4. Shipping Container used as a residence:**

- a. Review for placement to ensure that unit is not placed within public right of way, if so, then ROW Application is required (ROW Use Ordinance 1027, SMC 12.02). If container placed within ROW is considered a long term or permanent, than City Council approval is required. Review of placement not to conflict with easements, public utility interference, or storm drainage.
- b. Water and sewer requirements (SMC Title 13, SES Volume 1, Chapters 4 & 5, Volume 2, Chapters 4 & 5) reviewed as typical new structure requirements.
- c. Driveway requirements (SES Volume 1, Chapter 2, Section 2.22) reviewed as typical new structure requirements.

**SUMMARY:** If the container is placed with public ROW, then I feel that I have a strong control of the siting of the container. If it is placed outside of public ROW, and the use requires utility connections, then I would rely on the water and sewer codes (SMC Title 13) to regulate the siting. If those requirements are met, then Public Works does not have a condition to NOT allow the siting of a shipping container, if/when the moratorium is lifted.

Prepared by,



Eric Hansen