
HOUSE BILL 2939

State of Washington

65th Legislature

2018 Regular Session

By Representatives Graves and Rodne

1 AN ACT Relating to park models; amending RCW 19.27.060,
2 35.63.080, 35A.63.100, and 36.70.750; adding a new section to chapter
3 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a
4 new section to chapter 36.01 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 19.27.060 and 2015 c 226 s 1 are each amended to
7 read as follows:

8 (1) The governing bodies of counties and cities may amend the
9 codes enumerated in RCW 19.27.031 as amended and adopted by the state
10 building code council as they apply within their respective
11 jurisdictions, but the amendments shall not result in a code that is
12 less than the minimum performance standards and objectives contained
13 in the state building code.

14 (a) No amendment to a code enumerated in RCW 19.27.031 as amended
15 and adopted by the state building code council that affects single-
16 family or multifamily residential buildings shall be effective unless
17 the amendment is approved by the building code council under RCW
18 19.27.074(1)(b).

19 (b) Any county or city amendment to a code enumerated in RCW
20 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue
21 to be effective after any action is taken under RCW 19.27.074(1)(a)

1 without necessity of reapproval under RCW 19.27.074(1)(b) unless the
2 amendment is declared null and void by the council at the time any
3 action is taken under RCW 19.27.074(1)(a) because such action in any
4 way altered the impact of the amendment.

5 (2) The legislative body of a county or city, in exercising the
6 authority provided under subsection (1) of this section to amend the
7 code enumerated in RCW 19.27.031(1)(b), may not adopt amendments that
8 regulate or restrict a park model, as defined in RCW 59.20.030,
9 placed on private land zoned for residential use, unless the
10 regulation is necessary for a fire, life safety, or environmental
11 purpose.

12 (3) Except as permitted or provided otherwise under this section,
13 the state building code shall be applicable to all buildings and
14 structures including those owned by the state or by any governmental
15 subdivision or unit of local government.

16 ~~((+3))~~ (4) The governing body of each county or city may limit
17 the application of any portion of the state building code to exclude
18 specified classes or types of buildings or structures according to
19 use other than single-family or multifamily residential buildings.
20 However, in no event shall fruits or vegetables of the tree or vine
21 stored in buildings or warehouses constitute combustible stock for
22 the purposes of application of the uniform fire code. A governing
23 body of a county or city may inspect facilities used for temporary
24 storage and processing of agricultural commodities.

25 ~~((+4))~~ (5) No provision of the uniform fire code concerning
26 roadways shall be part of the state building code: PROVIDED, That
27 this subsection shall not limit the authority of a county or city to
28 adopt street, road, or access standards.

29 ~~((+5))~~ (6) The provisions of the state building code may be
30 preempted by any city or county to the extent that the code
31 provisions relating to the installation or use of sprinklers in jail
32 cells conflict with the secure and humane operation of jails.

33 ~~((+6))~~ (7)(a) Effective one year after July 23, 1989, the
34 governing bodies of counties and cities may adopt an ordinance or
35 resolution to exempt from permit requirements certain construction or
36 alteration of either group R, division 3, or group M, division 1
37 occupancies, or both, as defined in the uniform building code, 1988
38 edition, for which the total cost of fair market value of the
39 construction or alteration does not exceed fifteen hundred dollars.
40 The permit exemption shall not otherwise exempt the construction or

1 alteration from the substantive standards of the codes enumerated in
2 RCW 19.27.031, as amended and maintained by the state building code
3 council under RCW 19.27.070.

4 (b) Prior to July 23, 1989, the state building code council shall
5 adopt by rule, guidelines exempting from permit requirements certain
6 construction and alteration activities under (a) of this subsection.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
8 RCW to read as follows:

9 A city or town may not enact any statute or ordinance that has
10 the effect, directly or indirectly, of restricting the siting of a
11 park model, as defined in RCW 59.20.030, on private land zoned for
12 residential use.

13 **Sec. 3.** RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended
14 to read as follows:

15 (1) The council or board may provide for the preparation by its
16 commission and the adoption and enforcement of coordinated plans for
17 the physical development of the municipality. For this purpose the
18 council or board, in such measure as is deemed reasonably necessary
19 or requisite in the interest of health, safety, morals, and the
20 general welfare, upon recommendation by its commission, by general
21 ordinances of the city or general resolution of the board, may:

22 (a) Regulate and restrict:

23 (i) The location and the use of buildings, structures, and land
24 for residence, trade, industrial, and other purposes;

25 (ii) Except as provided in subsection (2) of this section, the
26 height, number of stories, size, construction, and design of
27 buildings and other structures;

28 (iii) The size of yards, courts, and other open spaces on the lot
29 or tract;

30 (iv) The density of population;

31 (v) The set-back of buildings along highways, parks, or public
32 water frontages; and

33 (vi) The subdivision and development of land; and ~~((may))~~

34 (b) Encourage and protect access to direct sunlight for solar
35 energy systems. ~~((A))~~

36 (2) The council or board may not regulate or restrict the park
37 model, as defined in RCW 59.20.030, dwellings placed on private land

1 zoned for residential use unless necessary for fire, life safety, or
2 environmental purpose.

3 (3) The council of a city where ((such)) ordinances adopted in
4 accordance with this section are in effect((τ)) may, on the
5 recommendation of its commission, provide for the appointment of a
6 board of adjustment((τ)) to make, in appropriate cases and subject to
7 appropriate conditions and safeguards established by ordinance,
8 special exceptions in harmony with the general purposes and intent
9 and in accordance with general or specific rules therein contained.

10 NEW SECTION. Sec. 4. A new section is added to chapter 35A.21
11 RCW to read as follows:

12 A code city may not enact any statute or ordinance that has the
13 effect, directly or indirectly, of restricting the siting of a park
14 model, as defined in RCW 59.20.030, on private land zoned for
15 residential use.

16 **Sec. 5.** RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended
17 to read as follows:

18 After approval of the comprehensive plan(~~(, as set forth above)~~)
19 in accordance with provisions of this chapter, the legislative body,
20 in developing the municipality and in regulating the use of land, may
21 implement or give effect to the comprehensive plan or parts thereof
22 by ordinance or other action to such extent as the legislative body
23 deems necessary or appropriate. Such ordinances or other action may
24 provide for:

25 (1) Adoption of an official map and regulations relating thereto
26 designating locations and requirements for one or more of the
27 following: Streets, parks, public buildings, and other public
28 facilities, and protecting such sites against encroachment by
29 buildings and other physical structures.

30 (2)(a) Dividing the municipality, or portions thereof, into
31 appropriate zones within which specific standards, requirements, and
32 conditions may be provided for regulating:

33 The use of public and private land, buildings, and structures((τ
34 and)); except as provided in (b) of this subsection, the location,
35 height, bulk, number of stories, and size of buildings and
36 structures((τ)); size of yards, courts, and open spaces((τ)); density
37 of population((τ)); ratio of land area to the area of buildings and
38 structures((τ)); setbacks((τ)); area required for off-street

1 parking((τ)); protection of access to direct sunlight for solar
2 energy systems((τ)); and such other standards, requirements,
3 regulations, and procedures as are appropriately related thereto.

4 (b) The legislative body of a city may not regulate or restrict a
5 park model, as defined in RCW 59.20.030, placed on private land zoned
6 for residential use, unless the regulation is necessary for a fire,
7 life safety, or environmental purpose.

8 (c) The ordinance encompassing the matters of this subsection (2)
9 is hereinafter called the "zoning ordinance". No zoning ordinance, or
10 amendment thereto, shall be enacted by the legislative body without
11 at least one public hearing, notice of which shall be given as set
12 forth in RCW 35A.63.070. Such hearing may be held before the planning
13 agency or the board of adjustment or such other body as the
14 legislative body shall designate.

15 (3) Adoption of design standards, requirements, regulations, and
16 procedures for the subdivision of land into two or more parcels,
17 including, but not limited to, the approval of plats, dedications,
18 acquisitions, improvements, and reservation of sites for public use.

19 (4) Scheduling public improvements on the basis of recommended
20 priorities over a period of years, subject to periodic review.

21 (5) Such other matters as may be otherwise authorized by law or
22 as the legislative body deems necessary or appropriate to effectuate
23 the goals and objectives of the comprehensive plan or parts thereof
24 and the purposes of this chapter.

25 NEW SECTION. Sec. 6. A new section is added to chapter 36.01
26 RCW to read as follows:

27 A county may not enact any statute or ordinance that has the
28 effect, directly or indirectly, of restricting the siting of a park
29 model, as defined in RCW 59.20.030, on private land zoned for
30 residential use.

31 **Sec. 7.** RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended
32 to read as follows:

33 Except for a park model, as defined in RCW 59.20.030, placed on
34 private land zoned for residential use, any board, by ordinance, may
35 establish classifications, within each of which, specific controls
36 are identified, and which will regulate:

1 (1) (~~Regulate~~) The use of buildings, structures, and land as
2 between agriculture, industry, business, residence, and other
3 purposes; and

4 (2) (~~Regulate~~) The location, height, bulk, number of stories
5 and size of buildings and structures; the size of yards, courts, and
6 other open spaces; the density of population; the percentage of a lot
7 which may be occupied by buildings and structures; and the area
8 required to provide off-street facilities for the parking of motor
9 vehicles.

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