

CLARK COUNTY STAFF REPORT

DEPARTMENT: Code Administration

DATE: May 5, 2020

REQUESTED ACTION:

Adoption of an ordinance for temporarily approving use of recreational vehicles on private residential property for emergency habitation during the Clark County Declaration of Emergency

Consent Hearing County Manager

BACKGROUND

Due to the continuation of the Public Health Emergency and required quarantining and social separation caused by the COVID-19 Pandemic pursuant to the Comprehensive Emergency Management Plan and utilization of emergency powers granted pursuant to Clark County Code Chapter 2.48A. RCW 38.52.070 (2) and 38.52.110(1) it is necessary to adopt a reasonable alternative means of sheltering for persons displaced due to the ongoing nationwide health emergency,

COUNCIL POLICY IMPLICATIONS

This action proposes a temporary change in Clark County Code related to regulations and requirements for placement of temporary dwellings on residential properties, and requires adoption of an ordinance to establish the necessary permitting process, standards and expiration therefor.

ADMINISTRATIVE POLICY IMPLICATIONS

The proposed ordinance will temporarily suspend and replace existing requirements and standards for placement of temporary dwellings in residential districts in the County, so as to allow the placement of recreational vehicles that are designed and built for temporary recreational habitation as temporary dwellings during the Public Health Emergency. The proposed ordinance will not limit the County's ability to respond and address unsafe structures, vehicle or public nuisances on private properties

COMMUNITY OUTREACH

Public hearings before Council, publication in local news media, press release.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	General fund (Code Administration)
Company Name	

DISTRIBUTION:

Council staff will post all staff reports to The Web. <https://www.clark.wa.gov/council-meetings>



Mitch Nickolds
 Staff Persons Name /Title
 Code Administration Director



Mitch Nickolds
 Department Heads Name

Primary Staff Contact Name and Extension:

APPROVED: 
 CLARK COUNTY, WASHINGTON
 CLARK COUNTY COUNCIL

DATE: May 6, 2020
 SR# 066-20



APPROVED: _____
 Kathleen Otto, Interim County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

Part II: Estimated Revenues

Fund #/Title	2020 Annual Budget		2021 Annual Budget		2022 Annual Budget	
	GF	Total	GF	Total	GF	Total
Total						

II. A – Describe the type of revenue (grant, fees, etc.)

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	2020 Annual Budget		2021 Annual Budget		2022 Annual Budget	
		GF	Total	GF	Total	GF	Total
Total							

III. B – Expenditure by object category

Fund #/Title	2020 Annual Budget		2021 Annual Budget		2022 Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total						

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ORDINANCE NO. 2020-05-01

AN ORDINANCE for temporarily approving use of recreational vehicles on
private residential property for emergency habitation during the Clark County
Declaration of Emergency

WHEREAS, On February 29, 2020 the Governor of the State of Washington proclaimed that a State of Emergency exists in all counties in the state of Washington as a result of novel coronavirus (COVID-19) outbreak.

WHEREAS, The Director/Health Officer of Clark County Public Health Department reported to the Clark County Council that beginning March 6, 2020, COVID-19 a potentially life-threatening infectious disease was identified in Clark County.

WHEREAS, COVID-19 can result in serious illness or death and have serious impacts to the health and well-being of the public, including the displacement of individuals or their caregivers due to presence or prevention of infection in households, isolation of essential employees and first responders and displacement of residential rental dwelling tenants due to loss of employment and income.

WHEREAS, On March 13, 2020 pursuant to Clark County Code 2.48A.070, the Chair of the County Council declared an emergency that requires immediate measures to protect the public health and safety of Clark County citizens.

WHEREAS, On March 23, 2020 the Governor of the State of Washington enacted a Stay Home-Stay Healthy Order throughout Washington State, an order which has been extended until May 4, 2020, and which includes the closure of all non-essential businesses and industry in the state.

WHEREAS, On or about April 9, 2020 the Washington Employment Security Department released data showing that between March 29 and April 5 a total of 9378 Clark county residents filed for unemployment benefits which, coupled with the two previous two (2) weeks filing data indicate approximately ten (10) percent of Clark county's workforce may be unemployed as a result of the closure of non-essential businesses and industry as ordered by the Governor of the State of Washington. The unemployment rate is anticipated to increase as additional business closures may occur.

WHEREAS, due to the continuation of the Public Health Emergency and required quarantining and social separation caused by the COVID-19 Pandemic pursuant to the Comprehensive Emergency Management Plan and utilization of emergency powers granted pursuant to Clark County Code Chapter 2.48A. RCW 38.52.070 (2) and 38.52.110(1) it is necessary to adopt a reasonable alternative means of sheltering for persons displaced due to the ongoing nationwide health emergency,

WHEREAS, the Council desires to create a permit system to allow and permit temporary occupancy of recreational vehicles on private residential property as reasonable alternative

1 means of sheltering for persons displaced due to the ongoing nationwide health emergency, but
2 otherwise prohibit occupancy of recreational vehicles parked on county roadways; and
3

4 WHEREAS, the Council finds that this emergency ordinance is necessary for the immediate
5 preservation of public health and safety;
6

7 WHEREAS, the Council is considering the matter at a duly-advertised public hearing and
8 concludes that adoption will further the public health, safety and welfare; now, therefore,
9

10 **NOW THEREFORE**, pursuant to Chapter 38.52 RCW, County Code Chapter 2.48A, and RCW
11 42.30.070, the County Council of Clark County, Washington hereby ordains as follows:
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13 **Section 1.** Clark County hereby places a moratorium on implementation and enforcement of
14 Clark County Code 40.260.210 Temporary Dwellings.
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16 **Section 2.** Clark County hereby permits temporary habitation of certain recreational vehicles
17 placed on private residential properties in unincorporated residential districts in Clark County in
18 accordance with the following standards.
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21 STANDARDS

22 1. Application, Permit and Placement

23 a. The property owner or the property owner's authorized agent shall submit a complete Clark
24 County application for temporary habitation of a recreational vehicle for review and approval of
25 the Code Administration Director (Director). A complete application must include a basic site
26 plan with property address, lot dimensions, location and dimension of all existing structures,
27 utility locations and connections, vehicle dimension and placement location, and the written
28 consent for the "placement of a recreational vehicle to be occupied by a displaced or eligible
29 person(s) for temporary habitation of not more than one (1) recreational vehicle on the listed
30 private residential lot." Incomplete applications will be returned.
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33 b. Temporary habitation of recreational vehicles is limited to vehicles not mounted or affixed
34 on a permanent foundation.
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37 c. Temporarily inhabited recreational vehicles shall be placed and located outside the boundaries
38 of any recorded easements, but may be located within zoning ordinance setback areas, other than
39 riparian setbacks, if such placement of the recreational vehicle is necessary. Recreational
40 vehicles must not be placed over any portion of an onsite sewage system or water well head if
41 such is present.
42

43 2. Potable Water. The recreational vehicle shall be connected to, or provided with, an approved
44 source of potable water meeting one (1) of the following criteria:
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46 a. Public water supply;
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1 b. Existing well, provided that it has been previously approved by Clark County Public Health as
2 safe for domestic consumption; or

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4 c. Other water source approved by State or Local authority.

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6 3. The recreational vehicle shall be connected to an approved sewage disposal system meeting
7 one (1) of the following criteria:

8 a. Public sewer system;

9
10 b. Existing septic system provided that it is a permitted system that has necessary capacity for
11 additional connection and is up to date on its operation and maintenance inspection by a county-
12 certified inspector, or;

13
14 c. Other method of sewage disposal approved by State or Local authority that is up to date on its
15 operation and maintenance inspection by a county-certified inspector.

16
17 4. Electricity. The recreational vehicle shall be connected to an approved source of electricity
18 meeting one (1) of the following criteria:

19 a. Proper connection to an approved electrical service in the primary residence; or

20
21 b. Other power source approved by the director.

22
23 5. Additional Requirements. Residential use of recreational vehicles under this chapter shall not
24 be allowed upon a property where health and safety hazards are present.

25
26 **Section 3.** Sections 1 and 2 of this ordinance will terminate thirty (30) days following Clark
27 County Council's termination of the Declaration of Emergency Due to a Public Health
28 Emergency.

29
30 **Section 4.** This ordinance is temporary in nature and is not to be codified.

31
32 **Section 5.** As an emergency ordinance, this ordinance is effective immediately upon passage.

33
34 **Section 6. Instructions to Clerk.** The Clerk of the Council shall record a copy of this
35 Ordinance with the Clark County Auditor; and

36
37 **Section 4. Roll Call Vote.** The following persons voted in favor of the above ordinance:

38 Temple Lentz; Julie Olson; John Blom;
39 Gary Medvigy; & Eileen Quiring
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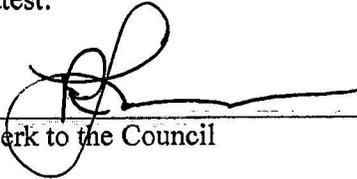
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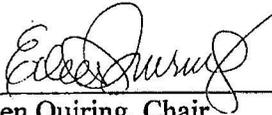
1 The following persons voted in opposition to the above ordinance:
2 _____

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4 ADOPTED on this 6th day of May, 2020.

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7 Attest:

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11 
12 Clerk to the Council

CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

13
14 
15 Eileen Quiring, Chair

16 Approved as to Form Only:

17 ANTHONY GOLIK

18 Prosecuting Attorney

19 _____
20 Temple Lentz, Councilor

21 By: Emily A. Sheldrick

22 Emily Sheldrick,
23 Deputy Prosecuting Attorney

24 _____
25 Julie Olson, Councilor

John Blom, Councilor

Gary Medvigy, Councilor

