



## RECOMMENDATION OF THE SOUTH BEND PLANNING COMMISSION Case 03-2021 | Amendments to the Zoning Code

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### Summary of Recommendation

The Planning Commission recommends that the City Council approve of the following proposed amendments to SBMC Title 15 (Unified Development Code):

**1.** Add the following under SBMC 15.04.020 (Definitions):

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- A. "Boat" means any commercial or recreational watercraft used for transport over water and propelled by rowing, sails, and/or motor.
- B. "Cargo shipping container" means a standardized, reusable portable vessel originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck, or ship.
- C. "Semitrailer" means a vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor. [RCW 46.04.530]

**2.** Add a new section to Chapter 15.20 SBMC (Zoning) relating to the use and siting of cargo shipping containers and semitrailers:

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- A. Cargo shipping containers and semitrailers are not an allowed use within the Neighborhood and Environmental Protection Districts except as follows:
  - 1. A property owner may obtain a temporary use permit for one or more cargo shipping containers or semitrailers when used for a construction project that has a building permit pursuant to SBMC 15.84.030.
  - 2. Portable containers used to facilitate moving may locate on private property for up to 14 days and up to 30 days with a temporary use permit.

- B. Cargo shipping containers and semitrailers without applicable Department of Transportation licenses are a permitted use in the Downtown and Commercial District under the following conditions:
  - 1. A property owner may obtain a temporary use permit for one or more cargo shipping containers or semitrailers when used for a construction project that has a building permit pursuant to SBMC 15.84.030.
  - 2. A property owner may permanently place a cargo shipping container on a parcel for use as a storage unit if:
    - a. Screened from public visibility from the right-of-way or the Willapa River by site-obscuring fencing or landscaping approved by the City Supervisor;
    - b. Located no closer than 10 feet from any property line; and
    - c. In compliance with all building code provisions related to accessory buildings.
- C. Placing a cargo shipping container or a semitrailer without applicable Department of Transportation licenses on a city street or right-of-way is not allowed.
- D. Look-alike shipping container buildings or metal buildings marketed as “containers” or “portable storage units” are regulated as cargo shipping containers under this section.

**3. Add a new section to SBMC Chapter 15.20 (Zoning) relating to the parking and use of vehicles and boats and public and private property:**

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- A. No person shall park any recreational vehicle or boat upon the improved or unimproved portion of any street, alley, public right-of-way, or publicly owned parking lot for more than four hours with the following exceptions:
  - 1. Temporary parking for the purpose of loading or unloading;
  - 2. Use of the boat launch and parking area pursuant to SBMC 12.20.065(B); and

3. The City Supervisor has issued a temporary use permit pursuant to SBMC 15.08.040 and the permit is clearly visible from the public right-of-way.
    - B. In no event shall power cords, extension cords, garden hoses, or other like devices extend from any recreational vehicle or boat across the public right-of-way or sidewalk to a residential dwelling or like source.
    - C. The city of South Bend will not be responsible for any loss or damage caused to any recreational vehicle or boat parked upon the improved or unimproved portion of any street, alley, public right-of-way, or publicly owned parking lot.
    - D. Temporary occupation of a single recreational vehicle on private property may be allowed for up to 14 days without a temporary use permit and up to 30 days upon the issuance of a temporary use permit. The temporary use permit shall be affixed to the recreational vehicle and clearly visible from the public right-of-way. The City Supervisor may extend the period of the temporary use permit if the occupant of the recreational vehicle has a city building permit pursuant to SBMC 15.84.030 for the purpose of constructing or repairing a residence on property owned by that occupant.
  4. Amend SBMC 15.08 (Administration of Development Regulations) to change Temporary Use Permits from a Type 2 to a Type 1 Permit as follows:
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**15.08.040 Types of project permit applications and review process.**

A. Type 1 Project Permit Applications.

1. Type 1 decisions are minor administrative decisions by the city supervisor based on compliance with specific, nondiscretionary and/or technical standards adopted in the city's development codes. Type 1 project permit applications include:

- a. Permitted uses with no required review under SEPA;
- b. Boundary line adjustments;
- c. Minor alterations to preliminary plats; ~~and~~
- d. Shoreline exemptions; and
- e. Temporary use permits.

## B. Type 2 Project Permit Applications.

1. Type 2 decisions are major administrative decisions made by the city supervisor based on standards and clearly identified specific standards adopted in the city's development codes. Type 2 project permit applications include:
  - a. Permitted uses requiring review under SEPA;
  - ~~b. Temporary use permits;~~
  - b. Home occupation permits;
  - c. Final short subdivisions;
  - d. Final subdivision approval; and
  - e. Shoreline substantial development permits

## Summary of the Record

### Details of Request

The Mayor and City Supervisor requested these amendments to:

1. Reinstate provisions related to the siting and use of cargo and semitrailers that was inadvertently omitted during the major redrafting of the zoning code back in 2018.
2. Address potential concerns about the parking and use of recreational vehicles and boats on public and private property as full-time residences.
3. Streamline the procedure for issuing temporary use permits by making them a Type 1 permit under the code. This will allow quicker issuance of permits.

### Procedural History

- Application Date: May 12, 2021
- Notice of Application: May 12, 2021
- SEPA Review: This nonproject action is categorically exempt under the State Environmental Policy Act per WAC 197-11-800(19)(b).
- Open Record Public Hearing before Planning Commission: June 10, 2021
- Recommendation passed by Planning Commission: June 10, 2021

### Testimony

The following individuals provided written and oral testimony at the hearing:

- John Kliem, CCS, Inc., consulting land use planner for the City of South Bend
- Dennis Houk, City Supervisor, City of South Bend
- *(Include other individuals as needed)*

## **Findings**

1. The City of South Bend submitted an application to make amendments to SBMC Title 15 (Unified Development Regulations) to add three new definitions, establish new regulations for the siting and use of cargo containers and semitrailers, and establish new requirements for the parking and use of recreational vehicles on public and private property.
2. The City of South Planning Commission held a public hearing on the proposed amendment to amend SBMC Title 15 on June 10, 2021. The commission listened and considered public comment on the amendment.
3. Upon close of the public hearing, the Planning Commission discussed the merits of the proposed amendment. Discussion by commission members agreed that the amendments were:
  - a. Consistent with the goals and policies of the comprehensive plan;
  - b. Will not adversely impact the general health, safety, and welfare of the community;
  - c. Will not impact the capacity of public facilities and services; and
  - d. Received positive recommendations from city staff and the public.

## **Decision**

Based on these findings, the Planning Commission recommends that the City Council approve the proposed amendments to SBMC Title 15 as presented in this Recommendation.

PASSED on this 10<sup>th</sup> day of June 2021.

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Scot Pearson, Planning Commission Chair