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MARY ELLEN WINBORN, DIRECTOR

## **Director's code interpretation regarding the zoning definition for Bed and Breakfast Inns**

### **Authority:**

In accordance with Clallam County Code ("CCC") 26.10.555(1) the undersigned, as the Director of the Department of Community Development ("DCD"), serves as the Administrator of Title 26 (as well as numerous Titles of the CCC), and as such is authorized to "interpret the provisions of development regulations subject to this chapter."

### **Code Provisions Subject to this Interpretation:**

This Administrator's Interpretation is limited to whether a proposed use to accommodate overnight, short-term boarding to transient guests within a structure is either a "bed and breakfast inn" or a "motel/hotel" use as those terms are defined and regulated under the Clallam County Zoning Code, Title 33 CCC.

### **Background:**

For overnight, short-term boarding for transient guests within permanent structures, the zoning code specifies and defines two types of uses: "bed and breakfast inns" and "motels/hotels" (motel/hotel has same meaning). These two uses are distinguished from one another in the zoning code by definition as follows:

*"Bed and breakfast inns" means a single-family dwelling on property occupied by the owner or manager which is constructed or converted partially or entirely into an overnight, short-term boarding house which does not detract from the residential appearance of the structure, and has five (5) or fewer rooms for overnight accommodations. (CCC 33.03.010(13))*

*"Motel/hotel" means a structure which provides overnight, short-term boarding to transient guests and **not defined as a bed and breakfast inn facility (emphasis added)**. (CCC 33.03.010(71))*

The Administrator’s determination on whether an application for transient guest accommodations is a “bed and breakfast inn” or a “motel/hotel” use is important because the latter is only authorized in urban growth areas and rural commercial zones and in a few western region rural zones through the conditional use permit process. As noted in the “motel/hotel” definition above, any structure which provides overnight, short-term boarding to transient guests and is not defined as a bed and breakfast inn facility is a “motel/hotel” use.

Clallam County adopts by reference the Washington State Building Code under Chapter 21.01, Building and Construction Code. The Clallam County Building and Construction Code, Title 21 CCC, and Zoning Code, Title 33 CCC, are both administered by the Clallam County Department of Community Development (DCD) under the DCD Director. Building permits for construction must comply with all other Clallam County codes and regulations, including zoning (CCC 21.01.130). The proposed building use and occupancy under the building code helps to inform the determination of use of property under zoning. Simultaneously, considering the building use and occupancy is important for maintaining public health, safety and welfare which is a stated purpose of the zoning code (CCC 33.01.020).

**Interpretation:**

The definition for “bed and breakfast inns” under CCC 33.03.010(13) contains four main distinguishing criteria that an application for a bed and breakfast inn use must meet:

1. A single-family dwelling constructed or converted partially or entirely into an overnight, short-term boarding house.
2. Located on property occupied by the owner or manager.
3. Does not detract from the residential appearance of the structure.
4. Five or fewer rooms for overnight accommodations.

For purposes of implementing the zoning code, these four criteria in the definition of bed and breakfast inn will be formally interpreted as follows:

**Interpretation of Bed and Breakfast Inn Definition**

<b>Criteria for a Bed &amp; Breakfast Inn</b>	<b>Required Showing (Must Meet All)</b>
<b><i>A single-family dwelling constructed or converted partially or entirely into an overnight, short-term boarding house</i></b>	<ol style="list-style-type: none"> <li>1. The use and occupancy of the building must meet the “single-family dwelling” and “dwelling unit” zoning definitions CCC 33.03.010 as determined by the zoning code administrator.</li> <li>2. The building, or change of use, must, after review by the Building Official, be classified with a use and occupancy type under the building code as either:               <ol style="list-style-type: none"> <li>a. An owner-occupied, lodging house as defined and built in compliance with the International Residential Code or “IRC.”</li> <li>b. A “lodging house” as defined and built in compliance with the provisions of a Residential Group R-3 occupancy under the International Building Code or “IBC.”</li> </ol> </li> </ol>

	<ol style="list-style-type: none"> <li>3. The proposed transient guest occupancy is for overnight accommodations that are typically not more than 30 days.</li> <li>4. Buildings classified as Residential Group R-1 occupancy under the International Building Code (IBC) by the Building Official will be considered under the zoning code as a motel/hotel use and not a bed and breakfast inn.</li> <li>5. Meal service, if provided, shall be limited to overnight guests and be consistent with all applicable local and state health requirements for providing meals associated with bed and breakfasts.</li> <li>6. The structure will not have any other use or occupancy (e.g., assembly, restaurant) not associated with a single-family (i.e., one-family) dwelling and/or lodging house as determined by the Building Official.</li> </ol>
<p><b>Located on property occupied by the owner or manager:</b></p>	<ol style="list-style-type: none"> <li>1. Owner or manager must reside within the structure, or in another legal residential structure (e.g., detached accessory dwelling unit) on the same legal lot of record.</li> <li>2. If the structure containing the proposed bed and breakfast inn use is not going to be owner-occupied, then the building permit application for a change of use or new construction must, after review by the Building Official, satisfy the criteria and construction requirements for a “lodging house” under the Residential Group R-3 occupancy provisions of the IBC.</li> </ol>
<p><b>Does not detract from Residential Appearance of the structure</b></p>	<p>Residential Appearance is not defined in the zoning code. The following will be used to determine whether the structure that will house the transient guest accommodations will not detract from residential appearance:</p> <ol style="list-style-type: none"> <li>1. The building is otherwise of conventional construction consistent with the prescriptive provisions of the IRC as determined by the Building Official. Meeting this criteria does not exclude buildings of <u>otherwise conventional construction</u> containing structural elements exceeding the design criteria of the IRC and consistent with the applicable building code as determined by the Building Official.</li> <li>2. The structure must not be more than two stories above grade plane in height as determined by the Building Official. <i>[Note: The residential appearance of existing single-family dwellings in Clallam County is characterized by structures that are two stories or less above grade plane in height. This is further supported by building permits issued by the County for either new single-family homes or additions to existing homes.]</i></li> <li>3. The structure must contain three or more roofs at a minimum pitch of 4/12 in any combination of gable, hips, or shed type designs. Parapets and mansard design do not count to meet this standard.</li> <li>4. The maximum allowed footprint of the structure (excluding attached garages) is 4,000 square feet. A bed and breakfast inn use may occur in any existing single-family dwelling constructed <u>prior to the effective date</u> of this interpretation in compliance with all other provisions of this code interpretation. In County zones that establish a more restrictive size for structures with commercial uses, the more restrictive size standard applies. <i>[Note: The largest single-family home in the County is currently</i></li> </ol>

	<i>around 10,000 square feet, with most homes in the County being substantially smaller in size. Based on a 2016 analysis of Assessor data, the median residential building size for the County's 12 rural residential zones throughout the County ranges from 1,512 to 4,749 square feet.]</i>
<b>Five or fewer rooms for overnight accommodations</b>	The number of rooms for overnight accommodations will be based on the determination by the Building Official of the number of "guestrooms" for lodging houses under the IRC or IBC. The building code definition of "guestrooms" is as follows: "A room used or intended to be used by one or more guests for living or sleeping purposes."

**Effective Date:**

This Administrator's Interpretation will be effective on **May 15, 2018**.

**Effectiveness:**

This Interpretation will remain in effect unless it is repealed or revised by the DCD Director. This Interpretation will cease to be in effect if the definition of Bed and Breakfast subject to this interpretation is repealed or amended by subsequent ordinance adopted by the Board of County Commissioners.

**Appeals:**

Pursuant to CCC 26.10.555, this Administrator's Interpretation (as a Type I decision) may be appealed to the Clallam County Hearing Examiner within 14 calendar days after the effective date of this Interpretation noted above.

Signed on this 17 day of April, 2018

  
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 Mary Ellen Winborn, Director