

 <p>YAKIMA COUNTY WASHINGTON</p>	DEVELOPMENT REGULATION TEXT AMENDMENT
	CASE NUMBER(S): LRN2020-00009 and SEP2022-00037
	STAFF REPORT
	DRAFTED BY: Olivia Story

DATE: February 8, 2023

1

Applicant:	Yakima County
Representative:	Olivia Story, Project Planner
Request:	Type of Amendment: Development Regulation Text Amendment
General Description of Proposed Text Amendment:	Consider edits to the Accessory Dwelling Units (ADUs) YCC 19.18.020 to include: Water and sewer connection requirements, possible subdivision of ADU, unit size, owner occupying requirements, attached and detached definitions, visually secondary requirements, the level of review, and parking standards.

2

3 A. SUMMARY OF RECOMMENDATIONS

4 Recommended approval of changes to the Development Regulation Text Amendment, subject to
5 consideration of testimony from neighbors and interested parties.

6 B. SUMMARY OF REQUEST

7 Yakima County Planning Staff is initiating and recommending approval of the changes as described
8 above in the "general description of proposed text amendment" to streamline, improve, and allow
9 more housing options for the public.

10 The Yakima County Comprehensive Plan, **Horizon 2040** addresses housing in Chapter 7 Housing.

11 PURPOSE STATEMENT H 1: The GMA requires the County to make adequate provisions for the
12 existing and projected housing needs of its residents by identifying sufficient land for housing and
13 a diversity in housing type. A diversity in housing will help ensure there is adequate housing
14 available to meet future needs.

15 H 1.2 Encourage development of new housing within the Urban Growth Areas where
16 facilities and services exist or are planned.

17 Increase density in communities with existing infrastructure. Allow for alternative housing
18 options, such as accessory dwelling units. Redevelop properties and encourage infill
19 where infrastructure exists.

20 Yakima County Development Code defines ADUs as follows:

21 YCC 19.01.070(1) "Accessory dwelling unit" means a structure meeting the purpose and
22 requirements of Section 19.18.020 that is attached to a single-family home, or detached garage
23 with living facilities for one individual or family separate from the primary single-family. In areas
24 specified, accessory dwellings may be detached from other structures.

25 The Planning Department requests text changes regarding the permitting of ADUs, YCC 19.18.020
26 Accessory Building Uses. Changes to the existing code language are shown in the following way: blue
27 underlined – added text, ~~red strikethrough~~ – deleted text, green underlined – moved text.

28

1 **C. ANALYSIS**

2 **1. Area of Attention: Water/Sewer**

3 The current code requires ADUs in the Urban Growth Areas (UGA) to be connected to a regional water
4 and sewer system. In many situations, regional water or sewer is not currently available or these
5 services cannot extend outside the city. This has limited the approval of ADUs in UGAs. If a regional
6 water system isn't available, the primary residence and the ADU can be served with a shared well,
7 which, if approved by the Yakima Health District, is considered a public water system. When the
8 primary residence is on septic, the ADU could potentially connect to the septic already installed, which
9 would be considered a public system. Public Services staff worked with the Yakima Health District
10 (YHD) to allow for a two-party shared septic system that would be considered a public system and
11 would meet this requirement. This means an ADU in a UGA could potentially connect to the primary
12 residences' septic system already installed and convert it to a public system. To accomplish this, there
13 would need to be an Operation and Maintenance agreement. This agreement binds owners within
14 the development to financially participate in the perpetual maintenance of the shared septic system.

15 ***Staff Recommendation:***

16 19.18.020(1)(b)

17 ~~(b) In all zones the primary residence and the accessory housing unit shall both be connected
18 to a public water system as defined in Section 19.01.070, and within an Urban Growth Area, to
19 a regional sewer system.~~

20 19.18.020(1)(c)

21 ~~(E) Potable water: The ADU and the primary residence shall both connect to a public water
22 system as defined in Section 19.01.070, and shall meet Yakima Health District requirements.
23 The ADU and the primary dwelling unit will share a single sewer and water connection, unless
24 the local sewer and/or water purveyor requires separate connections. Outside of Urban
25 Growth Areas, the two dwellings may use separate on-site sewage disposal systems.~~

26 ~~(F) Sanitary disposal system: within an Urban Growth Area, the primary residence and the
27 ADU shall both be connected to a public sewer system as defined in Section 19.01.070 and
28 required in YCC 19.25-2 for two connections. Outside of the UGA, the requirements of YCC
29 19.25-2 for two connections shall apply. All sanitary disposal systems must meet Yakima Health
30 District requirements.~~

31 **2. Area of Attention: A lot with an ADU shall not be subdivided.**

32 Currently, the code does not allow for a primary residence and an ADU to be subdivided, resulting in
33 each of the units being on separate parcels. There is no known reason why this is necessary if the
34 subdivision would otherwise meet the requirements in the development code for a subdivision. If
35 allowed, an ADU may be divided onto its separate lot, becoming the primary residential unit on the
36 newly created parcel, if it meets the subdivision requirements of YCC Title 19.

37 ***Staff Recommendation:*** Strike out the section of the code that prohibits the subdivision of the ADU
38 from the primary residence onto two separate parcels.

1 The proposed text reads:

2 19.18.020(1)(b)

3 ~~(vi) A lot containing an accessory housing unit shall not be subdivided, or otherwise~~
4 ~~segregated in ownership, in a way that separates the accessory dwelling unit and the primary~~
5 ~~residence on different lots. A covenant to which the County is a party shall be recorded with~~
6 ~~the County Auditor to preclude the separate sale or division of the accessory housing unit as a~~
7 ~~separate dwelling lot.~~

8 **3. Area of Attention: Size**

9 The GMA allows for flexible housing options while also protecting against incompatible uses. This is
10 achieved by offering options to allow for more housing via ADUs. There are, however, size limitations
11 that would help curtail the impacts additional living units may have on increasing density where it
12 may not be appropriate.

13 The size limit in the existing code is 1,000 square feet, which Planning has not proposed a change to.
14 However, the Yakima County Building Division did request that we change how this is calculated. The
15 existing code states that the ADU size excludes exterior walls. The Building Division has struggled with
16 getting and verifying this calculation. The building permit does not exclude the exterior walls from the
17 permit and the calculations. Planning agrees with this change.

18 During several meetings with interested parties about ADUs, increasing the size limitation to 1,200 sf
19 was suggested. This increase would account for thicker energy-efficient walls and should be expanded
20 to 1,200 square feet. Currently, when the square footage is calculated, the interior walls of the
21 dwelling are used for square footage calculation. With the proposed change, mentioned above, the
22 square footage would be calculated using the exterior of the residence. This was thought to be the
23 best method for County Staff; however, the interested parties feel thicker, energy-efficient walls
24 would reduce livable floor space inside the unit. By increasing the size limitation to 1,200, ADUs could
25 offer the same livable living space and allow the units to be built to modern energy goals.

26 The County used to allow Aged and Infirmed residences as a second home on a parcel to care for an
27 elderly or disabled family member. At the time of their permitting, Aged and Infirmed units were
28 considered temporary structures and would be removed once there was no longer a need for the
29 family member to occupy them. However, many of these units were never removed and are now
30 considered non-compliant housing units and subject to code compliance. Owners of these non-
31 compliant Aged and Infirmed units are now asking to convert them to an ADU. The problem arises
32 when these older units do not meet the size requirements of an ADU. The code that allowed for the
33 placement of Aged and Infirmed units did have not a square footage limitation. These Aged and
34 Infirmed units are manufactured homes and are often over this square footage limit, typically they
35 are around 1,400 and 1,600 square feet. However, the current size limit for an ADU is 1,000 square
36 feet.

37 **Staff Recommendation:** After careful consideration, staff is recommending retaining the 1,000 square
38 feet requirement for ADUs and adding text that accounts for the conversion of previously permitted
39 Aged and Infirmed units to apply for the ADU, even with the square footage exceeding 1,000.
40 However, staff is asking the Planning Commission to consider the public testimony on this topic.

1 The proposed text reads:

2 19.18.020(1)(c)

3 (iv) Size: The ADU's floor area shall be comprised of not more than 1,000 square feet and shall
4 not exceed the size of the primary ~~structure~~residence, except for previously permitted
5 temporary aged and infirmed residences, provided they meet all other requirements for ADUs
6 in YCC 19.18.020. The floor plan for the ADU shall be submitted with the ADU application. Living
7 area ~~The ADU floor area~~ includes storage areas and mechanical rooms, that are accessible from
8 the main living area, and as well as other interior residential spaces, but excludes ~~the following~~
9 ~~areas~~ garages, carports, shops, and non-contiguous storage areas from the overall gross
10 building area.

11 ~~(A) The thickness of the exterior walls; and~~

12 ~~(B) Garage areas.~~

13 4. Area of Attention: Owner Occupied

14 The current code requires property owners to occupy either the main residence or the ADU as their
15 primary residence. If the owner does not, the ADU is required to be eliminated. The original intent
16 of this requirement was to prevent property owners to rent both the primary residential unit and the
17 ADU. Yakima County has not experienced any negative results from this requirement; however, many
18 jurisdictions in Washington State are removing this requirement.

19 **Staff Recommendation:** Based on the initial feedback from interested parties, staff is not making a
20 recommendation either for the elimination of this section, or to alter it. Public input would be valuable
21 on this issue and staff decided to leave it in, pending public testimony. If eliminated, the entire section
22 would be struck out, removing the owner-occupied requirement and allowing the property owners to
23 rent both the main residence as well as the ADU units. Alternatively, the draft text below is suggested
24 staff edits if the section were to remain.

25 The proposed text reads:

26 19.18.020(1)(c)

27 (v) Ownership:

28 (A) Either the primary home residence or the ADU must be occupied by one or more owner(s)
29 of the property as a permanent and principal residence. The owner shall live in either the
30 primary residence or ~~the accessory unit ADU~~. The owner-occupant must live in the structure for
31 over six months of each calendar year, but may be absent ~~for~~ up to three years due to job
32 relocation, sabbatical leave, education or illness. The owner may receive rent for the ~~owner-~~
33 ~~occupied unit, primary residence or the ADU.~~

34 (B) Owners of an ADU must sign and record with Yakima County an owner-occupancy
35 covenant prior to the issuance of a building permit.

36 (C) Temporary owner absence – If the Reviewing Official determines that the owner of
37 the ADU has violated owner-occupancy requirements, the owner shall:

38 1. Reoccupy either the primary residence or the ADU;

39 2. Submit evidence showing compliance with Subsection A above to obtain a waiver of
40 this owner-occupancy requirement; or

41 3. Eliminate the ADU under either option in Subsection 19.18.020(1)(c)(vi) below.

1 **5. Area of Attention: Attached and Detached.**

2 The current code addresses Attached Accessory Dwelling Units (AADU) and Detached Accessory
3 Dwelling Units (DADUs) separately. Staff feels the wording is unnecessary and lengthy and could be
4 shortened for simplicity, yet communicate the same information.

5 **Staff Recommendation:** Incorporate both AADU and DADU into one section.

6 The proposed text reads:

7 19.18.020(1)(c)

8 (vi) Compatibility:

9 (A) Where authorized by the Allowable Land Use Table 19.14-1 in
10 Chapter 19.14 ~~accessory dwelling units~~ADUs may be attached to or detached from
11 the primary residence or other permitted structure.

12 ~~1. Attached to the primary residence;~~

13 ~~2. Attached to or above an existing detached garage serving the primary~~
14 ~~residence; or~~

15 ~~3. Detached from the primary residence and/or detached garage.~~

16 **6. Area of Attention: Visually secondary.**

17 The current code requires new ADU units to use landscaping, lattice, or agricultural designs to ensure
18 the ADU is clearly secondary to the main residence. This requirement may be excessive as there are
19 no known reasons to require the ADU to appear secondary to the primary residence. This
20 requirement places an unnecessary burden and expense on the applicant for no benefit to the public.

21 **Staff Recommendation:** Remove this requirement from the text.

22 The proposed text reads:

23 19.18.020(1)(c)(vi)

24 ~~(B) The front entrance to the ADU shall be designed to be clearly secondary to the primary~~
25 ~~residence main entrance from a right of way or access easement (utilizing elements such as~~
26 ~~landscaping, lattice work, architectural design, etc....).~~

27 (C) The ADU's exterior walls shall be designed to be similar in color and building materials to
28 the primary ~~detached dwelling~~residence.

29 ~~(D) Any exterior stairs shall be placed in the rear or side yard.~~

30 **7. Area of Attention: Level of review**

31 The current land use table (Table 19.14-1 Allowable Land Uses) allows ADU in areas that allow
32 residential units, however, the level of review has been said to be too high of a review, when similar
33 uses have a much lower review level. An example would be duplexes. A duplex is not consistent with
34 a Type 3. There is no apparent reason to allow a duplex a lower level of review than an ADU. Yakima
35 County Code (YCC 19.30.030(3)) states that Type 3 Conditional Uses are not generally appropriate
36 throughout the zoning district. However, YCC 19.30.030(2) states that the compatibility between a
37 Type 2 Administrative Use and the surrounding environment cannot always be determined in
38 advance. Therefore, a Type 2 Administrative Use may be conditioned to ensure compatibility and

1 compliance. Based on these distinctions, Yakima County Planning feels that classifying ADUs in the
2 urban zones as a use that is not generally appropriate is not consistent with ADUs and their character
3 and impact on the neighborhood. We feel ADUs more closely align with a Type 2 use.

4 **Staff Recommendation:**

5 • Remove attached ADUs from R-2 and R-3 (duplexes are already allowed in these zones, at a
6 lower level review)

7 • Change detached ADUs from Type 3 to Type 2 reviews in the SR, R-1, R-2, and R-3 zones.

8 • Change two-family dwelling (duplex) from Type 3 to Type 2 in SR and R-1

9 The proposed table reads:

Table 19.14-1 Allowable Land Uses

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Accessory dwelling unit*+ – Attached <u>to a SFR</u>	2	2		2	2	2			2	2	<u>1⁽²⁾</u>	<u>1⁽²⁾</u>							
Accessory dwelling unit*+ – Detached <u>from a SFR</u>	2	2		2	2	2			<u>3²</u>	<u>3²</u>	<u>3²⁽²⁾</u>	<u>3²⁽²⁾</u>							
Two-family dwelling (duplex)*							1		<u>3²</u>	<u>3²</u>	1	1							

10
11 **8. Area of Attention: Parking Table.**

12 Staff proposes adding caretaker to table 19.22-2 because 19.18.020(1)(b) has a general requirement
13 that all accessory housing parking is provided in 19.22; however, the caretaker dwelling, which is also
14 part of this section, was not included in that table.

15 The current land use table (Table 19.22-2 Off-Street Parking Standards) requires multifamily dwellings
16 with 10 units or less and multifamily dwellings with 10 units or more both to have 2 parking spaces
17 per unit. The table below shows multifamily with 10 units or more as well as 10 units or less on two
18 separate lines even though they have the same requirement. The is no need to have it listed twice
19 when they each share the same requirement on the same chart.

20
21
22

1 The proposed table reads:

2 **Table 19.22-2. Off-Street Parking Standards**

LAND USE	MINIMUM NUMBER OF PARKING SPACES
A. Residential.	
1. Accessory Dwelling Unit	1 space
2. Single-family, Two-family, and Multifamily (10 units or less) dwellings, and caretaker dwellings	2 spaces/dwelling unit. Single-family and Two-family parking may be tandem.
3. Multifamily dwelling containing more than 10 units	2 spaces/dwelling unit

3

4 **9. Area of Attention: Administrative Adjustments.**

5 If issue number 6 of the staff report requiring ADUs to be visually secondary to the primary residence
6 is recommended for approval, the following text amendments in YCC 19.35.020(3) would also need to be
7 amended to ensure consistency through the code.

8 The proposed table reads:

9 **19.35.020(3) Administrative Adjustments**

10 (b) The Reviewing Official shall not have the authority through the administrative adjustment
11 process to modify the requirements for:

12 (v) Standards in Chapter 19.18, except adjustments to ~~visibility of a front entrance of an~~
13 ~~accessory dwelling unit~~, the siting of manufactured and mobile homes outside Urban
14 Growth Areas or the Rural Transitional and Rural Settlement zoning districts, resource
15 setbacks as specified in this Section and special events for bed and breakfasts in excess of
16 12 per year;

17

18 **D. PLAN OR DEVELOPMENT REGULATION TEXT AMENDMENT APPROVAL CRITERIA**

19 The approval criteria set forth in YCC 16B.10.095(5) and (6) shall be considered in any review and approval
20 of text amendments to Yakima County Comprehensive Plan and any Development Regulation.

21 • Consistency with 16B.10.095(5)(6) Approval Criteria:

22 Plan policy and other text amendments must be consistent with the GMA, SMA, CWPP, other
23 comprehensive plan goals and policies, and, where applicable, city comprehensive plans and
24 adopted inter-local agreements.

25 ○ GMA Consistency - This proposed text amendment is consistent with and supports 7 of the
26 thirteen GMA Planning goals, the remaining were not applicable. RCW 36.70A.020, without
27 any order of priority.

28 RCW 36.70A.020(1) Urban growth. Encourage development in urban areas where adequate
29 public facilities and services exist or can be provided in an efficient manner.

30 Staff Findings: *Allowing AUDs to have more flexibility in the permitting process will*
31 *encourage property owners to develop these residential uses.*

32 RCW 36.70A.020(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped
33 land into sprawling, low-density development.

1 *Staff Findings:* With the inclusion of ADU, each property may increase the number of
2 residences in the area, directly supporting this GMA requirement.

3 *RCW 36.70A.020(3) Transportation.* Encourage efficient multimodal transportation systems
4 that are based on regional priorities and coordinated with county and city comprehensive
5 plans.

6 *Staff Findings:* Not applicable.

7 *RCW 36.70A.020(4) Housing.* Encourage the availability of affordable housing to all economic
8 segments of the population of this state, promote a variety of residential densities and
9 housing types, and encourage preservation of existing housing stock.

10 *Staff Findings:* Lessening the restrictions on ADUs, property owners will be
11 encouraged to add these residential uses to the property, thus providing an affordable
12 housing option, offering a variety of housing types, and preserving the already
13 established residential units by allowing them to maximize potential income on their
14 property.

15 *RCW 36.70A.020(5) Economic development.* Encourage economic development throughout
16 the state that is consistent with adopted comprehensive plans, promote economic
17 opportunity for all citizens of this state, especially for unemployed and for disadvantaged
18 persons, promote the retention and expansion of existing businesses and recruitment of new
19 businesses, recognize regional differences impacting economic development opportunities,
20 and encourage growth in areas experiencing insufficient economic growth, all within the
21 capacities of the state's natural resources, public services, and public facilities.

22 *Staff Findings:* The GMA approval criteria, economic development, is enforced by this
23 proposal because allowing an ADU and or their main structure to be rented will
24 provide the property owner extra income on their property.

25 *RCW 36.70A.020(6) Property rights.* Private property shall not be taken for public use without
26 just compensation having been made. The property rights of landowners shall be protected
27 from arbitrary and discriminatory actions.

28 *Staff Findings:* The proposal will only affect private properties, and will not prevent
29 property owners from developing their land; nor will it affect any public uses.

30 *RCW 36.70A.020(7) Permits.* Applications for both state and local government permits should
31 be processed in a timely and fair manner to ensure predictability.

32 *Staff Findings:* If the proposed text is approved, the permit standards and criteria will
33 be available to the public and be clear and predictable.

34 *RCW 36.70A.020(8) Natural resource industries.* Maintain and enhance natural resource-
35 based industries, including productive timber, agricultural, and fisheries industries. Encourage
36 the conservation of productive forestlands and productive agricultural lands, and discourage
37 incompatible uses.

38 *Staff Findings:* Not applicable.

39 *RCW 36.70A.020(9) Open space and recreation.* Retain open space, enhance recreational
40 opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and
41 water, and develop parks and recreation facilities.

42 *Staff Findings:* Not applicable.

1 RCW 36.70A.020(10) Environment. Protect the environment and enhance the state's high
2 quality of life, including air and water quality, and the availability of water.

3 *Staff Findings:* Not applicable.

4 RCW 36.70A.020(11) Citizen participation and coordination. Encourage the involvement of
5 citizens in the planning process and ensure coordination between communities and
6 jurisdictions to reconcile conflicts.

7 *Staff Findings:* This proposal will follow the typical approval process of the Planning
8 Commission public hearing, as well as the Board of County Commissioners Public
9 hearing to allow comments regarding the proposal, before adoption.

10 RCW 36.70A.020(12) Public facilities and services. Ensure that those public facilities and
11 services necessary to support development shall be adequate to serve the development at
12 the time the development is available for occupancy and use without decreasing current
13 service levels below locally established minimum standards.

14 *Staff Findings:* Not applicable.

15 RCW 36.70A.020(13) Historic preservation. Identify and encourage the preservation of lands,
16 sites, and structures, that have historical or archaeological significance.

17 *Staff Findings:* Not applicable.

18 ○ SMA Consistency - This proposed text amendment is consistent with the Shoreline
19 Management Act, RCW 90.58.

21 *Staff Findings:* Not applicable.

23 ○ County-wide Planning Policies Consistency - This proposed text amendment is consistent with
24 the 2015 County-wide Planning Policies.

26 *Staff Findings:* The proposal does not conflict with any County-wide planning policies.

28 ○ **Horizon 2040** Consistency - This proposed text amendment is consistent with four of the
29 Yakima County Comprehensive Plan – **Horizon 2040** goals or policies, without any order of
30 priority.

31 Housing H 1.2 Increase density in communities with existing infrastructure. Allow for
32 alternative housing options, such as accessory dwelling units. Redevelop properties and
33 encourage infill where infrastructure exists.

34 Housing H 3.2 Encourage infill as a redevelopment concept. Appropriate development
35 regulations that accomplish infill should consider:

- 36 1. The Impact on older/existing neighborhoods;
- 37 2. Development that is compatible with the surrounding residential density, housing
38 types, affordability or use characteristics;
- 39 3. Encouragement of affordable units;
- 40 4. The provision of development standards and processes for infill regardless of the
41 sector (public, not-for-profit, or private sectors) creating it; and,
- 42 5. Compatibility with historic properties and historic districts.

1 Housing H 3.3 Accommodate changing demographic trends and housing preferences by
2 allowing accessory units, co-housing, and other nontraditional housing types in appropriate
3 locations.

4 Housing H 3.9 Allow accessory living units as a means to increase the supply of affordable
5 housing units and to help existing homeowners remain in their homes.

6 *Staff Findings: The proposal does not conflict with any Comprehensive Plan goals or*
7 *policies and supports several policies, specifically in the Housing chapter as outlined*
8 *above.*

- 9 ○ Sub-Area Plan Consistency – There is no applicable sub-area plan that affects this proposal.
- 10 ○ City Comp Plan Consistency – There is no applicable city comp plan that affects this proposal.
- 11 ○ Interlocal Agreement Consistency – There is no applicable interlocal agreement that affects
12 this proposal.

13 Prior to forwarding a proposed development regulation text amendment to the Planning
14 Commission for its docketing consideration, the Administrative Official must determine that the
15 proposed amendment is consistent with the GMA, CWPP, other comprehensive plan goals and
16 policies, and, where applicable, city comprehensive plans and adopted inter-local agreements.

17 *Staff Conclusion: The proposed text amendment is Planning Staff initiated and does not require docketing*
18 *(YCC 16B.10.040(6)(a).*

21 **E. Discussion of Environmental Analysis (SEPA)**

22 Staff is assessing the potential environmental impacts associated with the proposed plan and zoning
23 amendment and proposes mitigation, where appropriate. This assessment is being done concurrently
24 and will be made available when completed.

25 **F. CONCLUSIONS**

26 ADUs are beneficial to the county as well as property owners. After a thorough review, staff has found
27 some of the regulations to be too restrictive and an unnecessary burden to property owners. The
28 proposed draft text changes would lessen some of these restrictions allowing the property owners
29 more flexibility when applying for an ADU. Planning staff has developed the draft text changes that
30 both protect the surrounding residential interests, while at the same time supporting the property
31 owners' options.

32 **G. YAKIMA COUNTY PLANNING STAFF RECOMMENDATIONS**

33 The Yakima County Planning Division recommends the **APPROVAL** of the **Development Regulation** text
34 amendment, subject to consideration of testimony from neighbors and interested parties.

35 ###

36 **APPENDIX A**

37 **Proposed Text Amendment**

38 Outlined below is the full-text amendment (blue underlined – added text, ~~red strikethrough~~ – deleted text,
39 green underlined – moved text).

Chapter 19.18

Special Uses and Standards

19.18.020 Accessory Buildings and Uses

Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Therefore, new accessory uses may only be permitted when a principal use has been established. They must be: clearly secondary to, supportive of, and compatible with the principal use(s); consistent with the purpose of the zoning district; and comply with this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in Table 19.14-1, unless otherwise specified.

(1) Accessory Housing.

(a) Legislative Intent. The term "accessory housing units" as used in this section includes "accessory dwelling units" (ADUs) and "caretaker dwellings" as defined under YCC 19.01.070. Accessory housing that conforms to the standards in this Section shall not be counted toward the allowable density for the lot upon which it is located and shall be considered a residential use consistent with the comprehensive plan and zoning designation for the lot. The purpose of the accessory housing provisions is to: ~~Provide homeowners with an opportunity for extra income, companionship and security;~~

(i) Provide property owners with an opportunity for extra income, companionship and security;

(ii) Better utilize existing infrastructure and community resources (sewer, water, roads, etc.);

(iii) Provide a housing type that allows flexibility to respond to changing needs and lifestyles;

(iv) Add to and diversify the supply of affordable housing;

(v) Protect neighborhood character and stability by ensuring accessory housing units~~ADUs~~ are compatible with surrounding land uses;

(vi) Provide the opportunity for relatively independent living for the elderly or disabled with support from neighboring family or other care-giver, with a preference for attached or detached accessory dwelling units; and

(vii) Accommodate ~~accessory residential quarters~~caretaker dwellings, as defined in 19.01.070 in commercial, industrial, and mining zones.

(b) General Requirements.

(i) Off-street parking shall be provided as required in Chapter 19.22.~~for both the accessory housing unit and the primary residence on the lot they are intended to serve.~~

(ii) The accessory housing unit shall meet current standards of the residential, building, mechanical, electrical, and energy codes as required for single-family dwellings.

(iii) The accessory housing unit shall have the same building setbacks as the primary structure.

(iv) A lot shall contain only one accessory housing unit.

(v) In all zones the primary residence and the accessory housing unit shall both be connected to a public water system as defined in Section 19.01.070, and within an Urban Growth Area, to a regional sewer system.

(vi) A lot containing an accessory housing unit shall not be subdivided, or otherwise segregated in ownership, in a way that separates the accessory dwelling unit and the primary residence on different lots. A covenant to which the County is a party shall be recorded with the County Auditor to preclude the separate sale or division of the accessory housing unit as a separate dwelling lot.

(c) Additional Standards for Accessory Dwelling Units. An accessory dwelling unit (ADU) is a permitted use, secondary to the primary use of a detached single-family dwelling, subject to all of the following conditions:

(i) ADUs shall not be allowed on parcels containing a ~~common wall dwelling, zero lot line dwelling, duplex, multi-family dwelling, or a commercial or industrial structure/use.~~

(ii) The ADU and the primary residence shall share a common driveway unless the two units are allowed to access different roads.

(iii) A home business may be allowed, subject to Section 19.18.240, in either the ADU or the primary unit residence, but not both.

(iv) Size: The ADU's floor area shall be comprised of not more than 1,000 square feet and shall not exceed the size of the primary structure residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for ADUs in YCC 19.18.020. The floor plan for the ADU shall be submitted with the ADU application. Living area The ADU floor area includes storage areas and, mechanical rooms, that are accessible from the main living area, and as well as other interior residential spaces, but excludes the following areas garages, carports, shops, and non-contiguous storage areas from the overall gross building area. ²

(A) The thickness of the exterior walls; and

(B) Garage areas.

(v) Ownership:

(A) Either the primary ~~home residence~~ or the ADU must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner shall live in either the primary residence or the accessory unit ADU. The owner-occupant must live in the structure for over six months of each calendar year, but may be absent for up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the ~~owner occupied unit~~ primary residence or the ADU.

(B) Owners of an ADU must sign and record with Yakima County an owner-occupancy covenant prior to the issuance of a building permit.

(C) Temporary owner absence – If the Reviewing Official determines that the owner of the ADU has violated owner-occupancy requirements, the owner shall:

1. Reoccupy either the primary residence or the ADU;
2. Submit evidence showing compliance with Subsection A above to obtain a waiver of this owner-occupancy requirement; or

3. Eliminate the ADU under either option in Subsection 19.18.020(1)(c)(~~vi~~^{vix}) below.

(vi) Compatibility:

(A) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 ~~accessory dwelling units~~ ADUs may be attached to or detached from the primary residence or other permitted structure.

1. Attached to the primary residence;

2. ~~Attached to or above an existing detached garage serving the primary residence; or~~

3. Detached from the primary residence and/or detached garage.

(B) The ~~attached or~~ detached ADU shall be located within 100 feet at the closest point, from the primary residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for ~~accessory dwelling units~~ ADUs in YCC 19.18.020.

(B) The front entrance to the ADU shall be designed to be clearly secondary to the primary residence main entrance from a right-of-way or access easement (utilizing elements such as landscaping, lattice work, architectural design, etc...).

(C) The ADU's exterior walls shall be designed to be similar in color and building materials to the primary ~~detached dwelling~~residence.

(D) Any exterior stairs shall be placed in the rear or side yard.

(E) Potable water: The ADU and the primary residence shall both connect to a public water system as defined in Section 19.01.070, and shall meet Yakima Health District requirements. The ADU and the primary dwelling unit will share a single sewer and water connection, unless the local sewer and/or water purveyor requires separate connections. Outside of Urban Growth Areas, the two dwellings may use separate on-site sewage disposal systems.

(F) Sanitary disposal system: within an Urban Growth Area, the primary residence and the ADU shall both be connected to a public sewer system as defined in Section 19.01.070 and required in YCC 19.25-2 for two connections. Outside of the UGA, the requirements of YCC 19.25-2 for two connections shall apply. All sanitary disposal systems must meet Yakima Health District requirements.

~~(vii)~~(ix) Elimination. The Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under Subsections (1)(b) and (c) of this Section are violated. If the County withdraws occupancy, the property owner may:

(A) If attached, merge the existing ADU to the single-family dwelling primary residence; or

(B) If detached, use the building for an approved use only or remove the structure from the premises.

37 (d) Additional Standards for Caretaker Dwellings. One caretaker dwelling for the occupancy of guards,
38 watchmen, or property caretakers is permitted as an accessory use in the SCC, LCC, GC, M-1 and M-2,
39 and MIN zoning districts. A caretaker dwelling is also permitted in the B-1, B-2, and HTC districts when
40 the dwelling is located within the structure used for the principal use. No other dwelling unit(s) shall be
41 allowed on the same parcel.

Chapter 19.14

ALLOWABLE LAND USE TABLE

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Accessory dwelling unit*† – Attached to a SFR	2	2		2	2	2	2		2	2	1 ⁽²⁾	4 ⁽²⁾							
Accessory dwelling unit*† – Detached from a SFR	2	2		2	2	2	2		3 ⁽²⁾	3 ⁽²⁾	3 ⁽²⁾ 2 ⁽²⁾	3 ⁽²⁾ 2 ⁽²⁾							
Two-family dwelling (duplex)*							1		3 ⁽²⁾	3 ⁽²⁾	1	1							

Chapter 19.22

PARKING AND LOADING

Table 19.22-2. Off-Street Parking Standards

LAND USE	MINIMUM NUMBER OF PARKING SPACES
A. Residential.	
1. Accessory Dwelling Unit	1 space
2. Single-family, Two-family, and Multifamily (10 units or less) dwellings, and caretaker dwellings	2 spaces/dwelling unit. Single-family and Two-family parking may be tandem.
3. Multifamily dwelling containing more than 10 units	2 spaces/dwelling unit

Chapter 19.35

ADMINISTRATIVE ADJUSTMENTS, MODIFICATIONS AND VARIANCES

19.35.020(3) Administrative Adjustments

(b) The Reviewing Official shall not have the authority through the administrative adjustment process to modify the requirements for:

(v) Standards in Chapter 19.18, except adjustments to ~~visibility of a front entrance of an accessory dwelling unit~~, the siting of manufactured and mobile homes outside Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts, resource setbacks as specified in this Section and special events for bed and breakfasts in excess of 12 per year;