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Yakima County Planning Commission
Findings of Fact and Recommendation
May 10, 2023

IN THE MATTER OF CONSIDERING) **FINDINGS OF FACT AND**
AMENDMENTS TO YAKIMA COUNTY) **RECOMMENDATION**
DEVELOPMENT REGULATIONS, YCC TITLE) File Nos:
19 UNIFIED LAND DEVELOPMENT CODE) LRN2020-00009/SEP2022-00037

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WHEREAS, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted development regulations – Yakima County Code Title 19, on May 5, 2015; and

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WHEREAS, RCW 36.70A.130 requires that Yakima County as a "fully planning" county; shall update its comprehensive plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

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WHEREAS, under RCW 36.70A.130, the plan and development regulations are subject to continuing review and evaluation, but the plan may be amended no more than one time per year; and

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WHEREAS, Yakima County Planning Division initiated development regulation text amendments (LRN2020-00009 – Accessory Dwelling Units), to amend portions of YCC Title 19 Unified Land Development Code; and

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WHEREAS, LRN2020-00009 Accessory Dwelling Units text amendments to YCC Title 19, were presented to the Planning Commission for their review on February 8, 2023, and March 8, 2023; and

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WHEREAS, on April 10, 2023, Yakima County provided a 60-Day notice to the Department of Commerce, as required by RCW 36.70A.106 on the proposed development regulation amendments; and

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WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing on April 12, 2023, to hear testimony on the proposed text amendments; and

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WHEREAS, the Planning Commission held its deliberations on April 12, 2023; and

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WHEREAS, the Planning Commission, having carefully considered the staff recommendation, and the written and oral testimony from the public in its deliberations, moved to make the recommendations described below (II. FINDING OF FACT Section 6) to the Board of Yakima County Commissioners concerning the proposed text amendments to YCC Title 19; and

1 NOW, THEREFORE, the Yakima County Planning Commission hereby makes and
2 enters the following:

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4 **I. REASONS FOR ACTION**

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6 The amendments before the Planning Commission are as follows:

- 7
8 1. The proposed staff-initiated text amendments to Yakima County Code Title 19
9 are necessary to streamline, improve, and allow more housing options for the
10 public.
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12 2. The Planning Commission must hold an open record public hearing on any Title
13 19 amendment proposal to provide a recommendation to the Board of Yakima
14 County Commissioners.

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16 **II. FINDINGS OF FACT**

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19 Yakima County, in compliance with the Washington State Growth Management Act
20 (GMA), Chapter 36.70A RCW, the Board of Yakima County Commissioners adopted the
21 Yakima County Comprehensive Plan – **Horizon 2040**, on June 27, 2017, and adopted
22 development regulations – Title 19, on May 5, 2015; and

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24 -2-

25 A SEPA environmental review was conducted by Yakima County staff concurrently with
26 this proposal, which will analyze the environmental and growth management impacts
27 of all proposed amendments.

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30 Yakima County staff provided a 60-Day notice to the Department of Commerce on
31 April 10, 2023, for the development regulation text amendments (LRN2020-00009 ADU).

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34 The Planning Commission accepted oral and written comments at a properly
35 advertised public hearing held on April 12, 2023, on the proposed Title 19 Text
36 Amendments (LRN2020-00009 ADU).

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39 The hearing and deliberations were closed on April 12, 2023, and the Planning
40 Commission moved to make recommendations on the proposed amendments.

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42 -6-

43 The findings for the proposed amendments are as follows:

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45 • LRN2020-00009/SEP2022-00037 ADU. Yakima County Public Services Planning
46 Division is seeking to amend the Unified Land Development Code (YCC Title 19)
47 to better implement the code. The proposed amendments will apply to:

- 48
49 1. Accessory Dwelling Units (YCC 19.18.020)

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- (See Exhibit 1 for text changes.)
- 2. Allowable Land Use Table (Table 19.14-1)
(See Exhibit 2 for text changes.)
- 3. Parking and Loading (Table 19.22-2)
(See Exhibit 3 for text changes.)
- 4. Administrative Adjustments, Modifications and Variances (YCC 19.35)
(See Exhibit 4 for text changes.)

Five (5) Planning Commissioners voted to recommend APPROVAL of the proposal, as presented.

Therefore, the Commission recommends in a 5 to 1 vote that the proposed County-initiated text amendments to YCC Title 19 should be APPROVED.

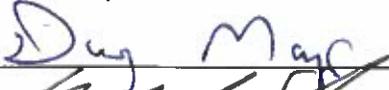
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III. RECOMMENDATION

1) By motion and vote described in II. Findings of Fact, the Planning Commission recommends that the Board of Yakima County Commissioners approve the proposed amendments.

Voting in favor of the findings and accuracy of the recommendation:

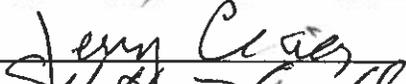
Doug Mayo, Chair



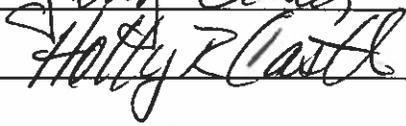
Michael Shuttleworth, Vice Chair



Jerry Craig

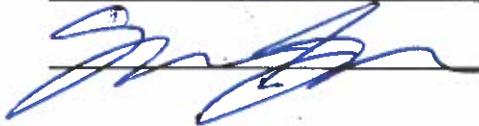


Holly Castle



Robert Tree

Sergio Garcia



Voting against the findings and accuracy of the recommendation:

Attest:



Noelle Madera,
Secretary

Dated: May 10, 2023



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Exhibit 1
LRN2020-00009/SEP2022-00037
Accessory Dwelling Units (YCC 19.18.020)

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;

(iv) 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.

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

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

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

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

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

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

18 (iv) Size: The ADU's floor area shall be comprised of not more than ~~1,000~~ 1,200 square feet
19 and shall not exceed the size of the primary ~~structure~~ residence, ~~except for previously~~
20 ~~permitted temporary aged and infirmed residences, provided they meet all other~~
21 ~~requirements for ADUs in YCC 19.18.020.~~ The floor plan for the ADU shall be submitted with
22 the ADU application. ~~Living area~~ The ADU floor area includes storage areas ~~and~~, mechanical
23 rooms, ~~that are accessible from the main living area, and as well as~~ other interior residential
24 spaces, but excludes ~~the following areas~~ garages, carports, shops, and non-contiguous storage
25 areas from the overall gross building area.:

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

27 ~~(B) Garage areas.~~

28 ~~(v) Ownership:~~

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

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

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

39 ~~1. Reoccupy the ADU;~~

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

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

2 (vi) Compatibility:

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

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

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

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

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

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

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

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

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

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

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

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

35 (B) If detached, use the building for an approved use only, or remove the structure from
36 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.

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Exhibit 2
LRN2020-00009/SEP2022-00037
Allowable Land Use Table (Table 19.14-1)

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 LO.2 SER	2	2		2	2	2	2		2	2	1 ^{PH}	1 ^{PH}							
Accessory dwelling unit** - Detached from a SER	2	2		2	2	2	2		32	32	32 ⁽²⁾	32 ⁽²⁾							
Two-family dwelling (duplex)*							1		32	32	1	1							

PC Recommendation

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Exhibit 3
LRN2020-00009/SEP2022-00037
Parking and Loading (Table 19.22-2)

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

PC Recommended Draft

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Exhibit 4
LRN2020-00009/SEP2022-00037
Administrative Adjustments, Modifications and Variances (YCC 19.35)

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;

PC Recommended DRAFT

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Exhibit 1
LRN2023-00001/SEP2023-00009
Allowable Land Use Table (Table 19.14-1)