

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:

Olivia Story

Department: Public Services (Planning Di

Requested Agenda Date: 08/29/2023

Presenting: Olivia Story

Document Title:

In the matter of amending Yakima County Code title 19 YCC 19.18.020 Accessory Dwelling Units (LRN20-009/SEP22-037).

Action Requested: *Check Applicable Box*

☐ PASS RESOLUTION ☐ EXECUTE or AMEND AGREEMENT CONTRACT or GRANT
☐ ISSUE PROCLAMATION ☒ PASS ORDINANCE ☐ OTHER _____

Describe Fiscal Impact:

None.

Background Information:

The Planning Commission has held an open record public hearing for the Development Code text amendments, providing opportunity for public comments and submitted their recommendations to the Board for consideration. The Board held a public hearing to take testimony on August 1, 2023. This ordinance will finalize the text amendment proposals.

Summary & Recommendation:

Pass this ordinance as decided upon for the text amendment (LRN20-009/SEP22-037) by the Board to finalize this action.

Motion:

I move to approve Ordinance 6-2023 as decided upon by the Board for the Development Code.

Department Head/ Elected Official

AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial

Signature

Late Agenda Requests Require BOCC Chairmen Signature:

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 6-2023

IN THE MATTER OF AMENDING THE YAKIMA COUNTY CODE TITLE 19 – UNIFIED LAND DEVELOPMENT CODE PERTAINING TO ACCESSORY DWELLING UNITS

GENERAL

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

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**,

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**,

WHEREAS, as part of its comprehensive plan and development regulations update process, the County has established a public participation program, YCC 16B.10, which sets forth minimum requirements for ensuring adequate public notification and opportunities for comment and participation in the amendment process; **and**,

WHEREAS, the Yakima County Planning Division initiated development regulation text amendments (LRN2020-00009 and SEP2022-00037) to amend portions of YCC Title 19; **and**,

WHEREAS, in accordance with YCC 16B.10.040, on February 8, 2023, and March 8, 2023, the Planning Commission was presented with proposed text amendments (LRN2020-00009 and SEP2022-00037); **and**,

WHEREAS, on April 10, 2023, Yakima County provided a 60-day notice to the Department of Commerce, as required by RCW 36.70A.106 for LRN2020-00009 and SEP2022-00037; **and**,

WHEREAS, the Planning Commission conducted a properly advertised and noticed public hearing for LRN2020-00009 and SEP2022-00037 on April 12, 2023, hearing testimony on the proposed text amendment; **and**,

WHEREAS, the Planning Commission held deliberations for LRN2020-00009 and SEP2022-00037 on April 12, 2023; **and**,

BOARD OF YAKIMA COUNTY COMMISSIONERS

WHEREAS, the Planning Commission, having carefully considered the staff recommendation and the written and oral testimonies in its deliberations approved their Findings and Recommendations on May 10, 2023, for the proposed text amendment LRN2020-00009 and SEP2022-00037; **and**,

WHEREAS, the Planning Commission's Findings and Recommendations and the proposed text amendments to YCC Title 19 were presented to the Board of Yakima County Commissioners for their review on June 26, 2023; **and**,

WHEREAS, the Board of Yakima County Commissioners conducted a properly advertised public hearing on August 1, 2023, to hear testimony on the proposed text amendments outlined in the Planning Commission recommendations; **and**,

WHEREAS, Yakima County initiated text amendments must be processed in compliance with the State Environmental Policy Act (SEPA); **and**,

WHEREAS, Yakima County staff issued a SEPA Determination of Non-Significance for LRN2020-00009 and SEP2022-00037 on June 13, 2023. All SEPA reviews analyze the environmental and growth management impacts of all proposed actions and considered all submitted comments from agencies and parties of record; **now, therefore**,

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Reasons for Action.

The Board of Yakima County Commissioners are considering the proposed amendments as follows:

- A. The proposed staff-initiated text amendments to Yakima County Code Title 19 are necessary to streamline, improve, and allow more housing options for the public.
- B. The Planning Commission must hold an open record public hearing on any Title 19 amendment proposal before providing a recommendation to the Board of Yakima County Commissioners.

A Staff report for the development regulation text was provided to the Planning Commission that identified specific issues and recommended approval, modification or denial of the proposed amendments. Following public testimony and deliberations, the Planning Commission has determined which of the proposed amendments are needed to correct errors, address deficiencies or more closely correspond to the goals, policies, and intent of *Horizon 2040* and presented their findings and recommendations to the Board of Yakima County Commissioners for their consideration.

The Board of Yakima County Commissioners reviewed said amendments, held a public hearing, and decided to approve, modify, and/or deny the proposed amendments.

BOARD OF YAKIMA COUNTY COMMISSIONERS

Section 2. Findings.

- A. Compliance with Growth Management Act. The Board of Yakima County Commissioners find that the amendments to YCC Title 19, adopted by this ordinance are in substantial compliance with RCW 36.70A (the Growth Management Act, or GMA). The Comprehensive Plan – *Horizon 2040* is internally consistent and policies within and among elements are complementary, not contradictory. The Comprehensive Plan – *Horizon 2040* contains policies, implementation measures, and procedures which provide for its review and adjustment if internal conflicts are discovered.
- B. State Environmental Policy Act (SEPA). Yakima County adopted *Horizon 2040* on June 27, 2017, and adopted by reference *Plan 2015's*, Chapter III Environmental Analysis. *Plan 2015* was originally designed to integrate SEPA and GMA consistent with the provisions of WAC 197-11-210 through 197-11-235. The issuance of the June 13, 2023, *Final Notice of Determination of Non-Significance for YCC Title 19 Text Amendments* (SEP2022-00037) provides the environmental evaluation and documentation required under SEPA for the plan, development regulation, and emergency UGA amendments.
- C. Analysis of Cumulative Effects. The cumulative effects have been considered as part of the SEPA review process outlined in subsection B. above.
- D. The Board of Yakima County Commissioners adopts the proposed text amendment (LRN2020-00009 and SEP2022-00037) with modifications to the Findings and Recommendations of the Planning Commission dated May 10, 2023 (removing the 100-foot distance requirement and increasing the ADU size maximum). See Exhibit 1 for the Planning Commission Findings and Exhibit 2 for the Board modifications.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the resolution, or the validity of its application to any other persons or circumstances.

Section 4. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish a Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective on the 61st day after publishing of the Notice of Adoption.

BOARD OF YAKIMA COUNTY COMMISSIONERS

APPROVE _____

DENY _____

MODIFY X

DONE

AUG 29 2023

LaDon Linde
LaDon Linde, Chair

Attest:

[Signature]
Julie Lawrence, Clerk of the Board *or*
Erin Franklin, Deputy Clerk of the Board

Amanda McKinney
Amanda McKinney, Commissioner



Kyle Curtis
Kyle Curtis, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Exhibit 1 – LRN2020-00009 and SEP2022-00037 Planning Commission Findings and Recommendations.

Exhibit 2 – LRN2020-00009 and SEP2022-00037 The Board of Yakima County Commissioners modifications to the Planning Commission's Findings and Recommendations.

EXHIBIT 1

LRN2020-00009 and SEP2022-00037

Planning Commission Findings and Recommendations.

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

IN THE MATTER OF CONSIDERING AMENDMENTS TO YAKIMA COUNTY DEVELOPMENT REGULATIONS, YCC TITLE 19 UNIFIED LAND DEVELOPMENT CODE) FINDINGS OF FACT AND) RECOMMENDATION) File Nos:) 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

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

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

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

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

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

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

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

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:

3
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.
11
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.

15
16 **II. FINDINGS OF FACT**

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18 -1-

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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43 The findings for the proposed amendments are as follows:

- 44
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)

- 1 (See Exhibit 1 for text changes.)
- 2 2. Allowable Land Use Table (Table 19.14-1)
- 3 (See Exhibit 2 for text changes.)
- 4 3. Parking and Loading (Table 19.22-2)
- 5 (See Exhibit 3 for text changes.)
- 6 4. Administrative Adjustments, Modifications and Variances (YCC 19.35)
- 7 (See Exhibit 4 for text changes.)
- 8
- 9 Five (5) Planning Commissioners voted to recommend APPROVAL of the
- 10 proposal, as presented.
- 11
- 12 **Therefore, the Commission recommends in a 5 to 1 vote that the proposed**
- 13 **County-initiated text amendments to YCC Title 19 should be APPROVED.**
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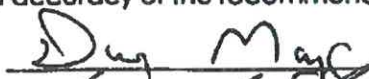
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III. RECOMMENDATION

- 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



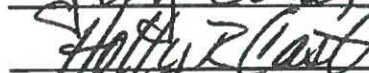
Michael Shuttleworth, Vice Chair



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)

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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.

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

~~(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~~ 1,200 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.

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

~~(B) Garage areas.~~

~~(v) Ownership:~~

~~(A) Either the primary home 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 or accessory unit. The owner occupant must live in the structure for over six months of each calendar year, but may absent up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the owner-occupied unit.~~

~~(B) Owners of an ADU must sign and record with Yakima County an owner occupancy covenant prior to 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 the ADU;~~

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

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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

~~(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.

~~(viii)~~ 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.

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

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

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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 <u>to a</u> <u>SFR</u>	2	2		2	2	2	2		2	2	1A	1A							
Accessory dwelling unit**† – Detached <u>from a</u> <u>SFR</u>	2	2		2	2	2	2		32	32	32	32							
Two-family dwelling (duplex)*						1			32	32	1	1							

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

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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

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Exhibit 4

LRN2020-00009/SEP2022-00037

Administrative Adjustments, Modifications and Variances (YCC 19.35)

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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;

EXHIBIT 2

LRN2020-00009 and SEP2022-00037

The Board of Yakima County Commissioners modifications to the Planning
Commission's Findings and Recommendations.

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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;

(v) 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

(vi) 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.

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

(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 smaller than the ~~comprised of not more than 1,000 square feet and shall not exceed the size of the~~ primary structure residence. ~~The floor plan for the ADU shall be submitted with the ADU application. Living area includes storage areas, mechanical rooms, and other interior residential spaces, but excludes the following areas from the overall gross building area:~~

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

~~(B) Garage areas.~~

~~(v) Ownership:~~

~~(A) Either the primary home 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 or accessory unit. The owner-occupant must live in the structure for over six months of each calendar year, but may absent up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the owner-occupied unit.~~

~~(B) Owners of an ADU must sign and record with Yakima County an owner-occupancy covenant prior to 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 the ADU;~~

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

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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

~~The attached or detached ADU shall be located within 100 feet from the primary residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for accessory dwelling units 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.~~

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

~~(E)(B) 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.~~

(C) 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 sanity disposal systems must meet Yakima Health District requirements.

~~(vii)(vi)~~ 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.

(d) Additional Standards for Caretaker Dwellings. One caretaker dwelling for the occupancy of guards, watchmen, or property caretakers is permitted as an accessory use in the SCC, LCC, GC, M-1 and M-2, and MIN zoning districts. A caretaker dwelling is also permitted in the B-1, B-2, and HTC districts when the dwelling is located within the structure used for the principal use. No other dwelling unit(s) shall be 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 <u>to a</u> <u>SFR</u>	2	2		2	2	2	2		2	2	1st	1st							
Accessory dwelling unit*† – Detached <u>from a</u> <u>SFR</u>	2	2		2	2	2	2		32	32	32nd 2nd	32nd							
Two-family dwelling (duplex)*							1		32	32	1	1							

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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, <u>and caretaker dwellings</u>	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

Yakima County Code
Chapter 19.18 SPECIAL USES AND STANDARDS

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;

