

ORDINANCE NO. 0071718-2

AN ORDINANCE OF KLICKITAT COUNTY, WASHINGTON RELATING TO LAND USE AND ZONING; AMENDING ORDINANCE NO. 62678; AND, KLICKITAT COUNTY CODE TITLE 19.

Section 1 Findings.

- 1.1 The action being considered is an amendment to the Klickitat County zoning regulations (Klickitat County Zoning Ordinance No.62678 and Klickitat County Code Title 19) pertaining to Accessory Dwelling Units (ADU).
- 1.2 The objective of the proposal is to increase code clarity, and avoid haphazard code interpretation. The proposal expands the ADU provision to all lands in the unincorporated Klickitat County where single family residence is listed as a permitted use. Additionally, those with a permitted hardship manufactured home may request a one-time exception to the maximum floor area provided any future alteration, expansion and/or replacement of the ADU is in compliance with the size limitation.
- 1.3 The temporary hardship manufactured home provision in the Zoning Ordinance was eliminated in 2014. The ADU would provide homeowners a means of obtaining rental income, companionship, security and services (medical or other) to enable them to continue residing in their existing homes; and to provide additional opportunities for affordable housing in the County.
- 1.4 Chapter 36.70 RCW provides authority to counties to adopt and amend official land use controls such as zoning regulations, provided it is concluded that the controls further the purpose and objectives of the comprehensive plan.
- 1.5 Klickitat County Code 19.62.020 provides public hearing procedures for consideration of amendments to zoning regulations.
- 1.6 A Preliminary Determination of Non-Significance (Preliminary DNS) was issued as SEP2017-29 on November 10, 2017. Public comment was invited and accepted on the proposal. A Final Determination of Non-Significance (Final DNS) was issued on March 30, 2018. Appeal period ended on April 20, 2018. No appeal was received.
- 1.7 The Planning Commission held a public hearing on June 18, 2018. Written and oral comments were invited. Following public comment and deliberation, the Planning Commission closed the hearing.
- 1.8 The adoption of these amendments is a non-project action designed to improve and update existing code provisions in a manner generally consistent with the County Comprehensive Plan.
- 1.9 The Klickitat County Planning Commission recommended the Board of County Commissioners adopt the proposed amendments.
- 1.10 The Klickitat County Board of County Commissioners considered the Planning Commission's recommendation on July 17, 2018.
- 1.11 At the public meeting, the Board reviewed the record of the Planning Commission and determined that it is in the interest of the public to summarily accept the recommendation of the Planning Commission, and approve the amendments.

- 1.12 Consistent with the analysis in the staff report, revising the zoning regulations would improve the permitting process and approval criteria, and is consistent with the Klickitat County Comprehensive Plan.
- 1.13 Except to the extent inconsistent with any finding herein, findings from the Planning Commission recommendation and staff reports are incorporated as findings.
- 1.14 After reviewing the Record, it is deemed to be in the public interest to adopt the proposed revisions, as set forth in *Exhibit A*.

Section 2. Adoption.

NOW, THEREFORE, KLICKITAT COUNTY DOES ORDAIN AS FOLLOWS:

Klickitat County hereby adopts the attached amendment to Ordinance No. 62678 and Klickitat County Code, Title 19.

Section 3. Severability.

The provisions of this ordinance are declared separate and severable. The invalidity of any portion of this ordinance shall not affect the validity of the remainder of the ordinance.

Section 4. Effective Date.

This ordinance shall take immediate effect.

DATED this 17th day of July, 2018



BOARD OF COUNTY COMMISSIONERS
Klickitat County, Washington

Rex F. Johnston
Rex F. Johnston, Chairman

David M. Sauter
David M. Sauter, Commissioner

Jim Sizemore
Jim Sizemore, Commissioner

ATTEST:

Clerk of the Board

Rebecca Wells
in and for the County of Klickitat,
State of Washington

APPROVED AS TO FORM:

David R. Quesnel Rebecca Wells for
David R. Quesnel
Klickitat County Prosecuting Attorney

Exhibit A

Section 3.10 of the Klickitat County Zoning Ordinance No. 62678, as amended and Klickitat County Code Title 19.54.110 are amended as follows:

KCZO 3.10/KCC 19.54.110

Accessory Dwelling Unit

An accessory dwelling unit (ADU) is a detached habitable living unit that is subordinate to an existing or proposed principal dwelling unit; or is a habitable living unit to be attached to an existing or proposed principal dwelling unit. The establishment of an ADU may be authorized through an administrative conditional use, if the criteria in this chapter are met, and the ADU is located within ~~Forest Resource (FR), Open Space (OS), Extensive Agriculture (EA), General Rural (GR), Rural Residential (RR), Rural Center (RC), Suburban Residential (SR) and Rural (RRL)~~ all zoning districts of the County where single-family dwelling is a principal permitted outright use, ~~except for within the Husum/BZ Corner and Dallesport/Murdoek Sub Areas~~. The proposed ADU shall comply with all applicable codes including, but not limited to, building code and health code requirements.

3.10:1 The purpose of the ADU is to:

1. Expand opportunities for affordable housing.
2. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the county.
3. Accommodate the needs of people at all stages in the life cycle (e.g. allow first-time homeowners opportunity to off-set a high monthly mortgage commitment; allow homeowners income; allow elderly to have a health-care provider living on the premises; allow the owner of the principal dwelling unit to move into the ADU after children have grown and the principal dwelling is too large to accommodate their needs thus allowing the owner to continue to live on the parcel and rent out the principal unit).
4. Maintain property values, community characteristics and a single-family residential appearance by ensuring that ADUs remain subordinate to the principal unit.

3.10:2 ADUs shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. Certification must be provided by the County Health Department or the responsible water purveyor that the water supply is adequate to serve both the principal unit and ADU. No additional well shall be drilled to accommodate the ADU. The ADU is required to utilize the existing well as the source of potable water supply. To ensure full compliance of the limitations of groundwater exemptions pursuant to the State requirements, landowners are strongly encouraged to meter the well and document the water usage on a monthly basis.

The parcel must exceed the minimum usable land area requirement for an on-site sewage system; and the primary and reserve sewage disposal systems for the principal unit and ADU can be accommodated within the lot lines of the parcel.

3. The ADU may be attached to an existing or proposed principal unit; or may be detached from an existing or proposed principal unit. If detached, the ADU shall be located completely within two hundred (200) feet of the primary residence.
4. Only one ADU may be established per principal unit in single-family zones; and only if there are no other existing dwellings on the parcel.
5. The parcel owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the ADU as their permanent residence for at least 6 months out of each year. The parcel owner must agree to not divide the parcel so as to result in the ADU and principal dwelling unit being located on separate parcels.
6. An ADU must (a) not have more than 2 bedrooms; ~~and;~~ and (b) not be more than ~~92400~~ square feet in floor area and (c) a ceiling height of not less than 7 feet measured from the finish floor to the lowest projection. Floor areas include but not limited to mezzanines/lofts, hallways, bathrooms, toilet rooms, laundry rooms or similar areas within a dwelling unit. The square footage requirement generally does not include covered porches, decks, carports or garages. However, for purposes of certifying an ADU which was constructed before the County adopted its first ADU regulations on September 18, 2012, a certificate may be issued for an ADU which exceeds 900 square feet as long as the ADU is no more than 40% of the total floor area of the residential portion of the principal dwelling's occupancy, as defined by Kliekita County Codes Titles 15 and/or 16
7. The ADU shall be designed and placed so that, to the degree reasonably feasible, the appearance of the building and lot remains that of a single-family residence.
8. One off-street parking space, in addition to that which is required by the Ordinance for the underlying zone, shall be provided or as many spaces deemed necessary by the Planning Department to accommodate the actual number of vehicles used by the occupants of both the principal dwelling and the ADU. Parking spaces include garages, carports, or off-street areas reserved for parking of vehicles. The driveway of the existing or proposed principal dwelling shall be used as a driveway to serve the ADU (i.e. a new driveway or road approach to a public or private access road is not permitted).
9. A condition of approval of the ADU will be that the parcel owner must record with the Auditor a restrictive covenant (to be reviewed and approved by the Planning Department) that attaches to the title of the parcel and binds all future owners and occupants of the parcel to the preceding terms.
10. Accessory dwelling units meeting the above criteria are considered part of the principal single family dwelling for zoning density purposes, and therefore are not considered an additional dwelling unit for the purposes of measuring compliance with zoning density restrictions. Any other structures containing two distinct sets of living quarters and two kitchens are considered duplexes. Duplexes are considered two dwelling units for purposes of measuring the number and size of parcels.
11. Neither the principal unit nor the ADU shall be used as short-term vacation rentals. A short-term vacation rental is a rental which is less than 60 consecutive days in a single 12 month period.

3.10:3 Pre-existing ADUs, Permitted Hardship Manufactured Homes, Farm Laborers Residences and Duplexes.

1. ADUs that may have been established without benefit of permits prior to the date of enactment of these ADU provisions may request certification as a legal ADU by applying to the Planning Department consistent with section 3.10:4 and demonstrating substantial compliance with this chapter.
- ~~1.2.~~ Permitted hardship manufactured homes may request certification as a legal ADU by applying to the Planning Department consistent with section 3.10:4. A one-time exception to the maximum floor area may be granted administratively provided any further alteration, expansion and/or replacement of the ADU is in full compliance with the size limitation pursuant to this chapter.
- ~~2.3.~~ For zoning districts where up to three dwelling units for farm laborers residences are permitted as an accessory use, the landowner may elect to establish one ADU and up to two farm laborers residences. The maximum number of allowable dwellings shall remain as four (4). Note that both the ADU and the farm laborers residences are considered as an accessory use.
- ~~3.4.~~ For zoning districts where duplexes are listed as principal uses permitted outright, instead of a duplex, the landowner may elect to construct one primary dwelling and one ADU. An ADU in addition to a duplex is not authorized.

3.10:4 Administrative Conditional Use Process.

Following submittal of a complete application on forms approved by the Planning Department, written notice shall be mailed to adjacent landowners and other interested parties, whom shall have fourteen (14) days to comment on the application.

The Planning Department may grant an administrative conditional use if the proposal demonstrates it will not be substantially detrimental to the public interest and is consistent and compatible in design, character and appearance with the existing or intended character and quality of development in the vicinity and with the physical characteristics of the subject property. The Planning Department may impose conditions to address consistency with this chapter, and other code requirements and applicable laws. The applicant shall be in full compliance with the conditions as imposed to ensure ADU consistency with this chapter, and other applicable legal requirements. If there is an inconsistency among legal requirements, the stricter provisions shall govern, as long as consistency with state laws is achieved. The applicant shall be responsible for obtaining all other applicable permits before commencing construction. If the ADU is not constructed and a certificate of occupancy for the ADU is not issued within two years, the administrative conditional use shall lapse.