

Schroader, Kathy



**From:** Tweet <tweetfamily@comcast.net>  
**Sent:** Wednesday, May 25, 2016 2:50 PM  
**To:** Cnty 2016 Comp Plan  
**Cc:** Madore, David; Mielke, Tom; Stewart, Jeanne; Boldt, Marc; Olson, Julie (Councilor)  
**Subject:** For the record for the Clark County, WA Comprehensive Plan Update 2016

Submitted by Margaret Tweet, 2715 NW 34th Circle, Camas, WA 98607

Title 40: Clark County, Washington, Unified Development Code

is relevant to to the Comprehensive Plan Update as it significantly impacts what growth is allowed where, under what conditions.

Title 40: Clark County, Washington, Unified Development Code shows disparate treatment of urban property owners vs. rural land owners in the matter of Accessory Dwelling Unit (ADU) options. **Title 40 ADU rules for urban property owners inside the UGA allow: permanent structures, rental options, and full kitchens in an ADU.**

Outside the UGA, **temporary** structures based on county hardship rules are allowed. (unclear if these are allowed inside the UGA) If the hardship or need ceases, so does the temporary use. In order to sell a lot with a temporary dwelling, the temporary dwelling may have to be moved. Lenders sometimes require the removal of an accessory dwelling unit before approving financing. Requiring the removal of a costly dwelling in order to sell is an economic penalty for rural landowners. Outside the UGA, the rules for both **Temporary Dwellings and Guest Houses refer to temporary uses.**

Inside the UGA, Accessory Dwelling Units (ADU's) are allowed with an explicit right to rent in the code. Outside the UGA, Temporary Dwellings or , **temporary Guest Houses without kitchens** are the limited options available. Renting a dwelling without a kitchen would be difficult, and it is unclear from the code whether rental is allowed. Rural lots are larger, and **permanent** ADU's with full kitchens should be allowed with freedom to use or **rent** as needed and desired. If the primary dwelling is sold, a permitted ADU should also be included without any requirement to remove imposed by the county on rural landowners.

There is no need for the county to highly regulate the material used for ADU's. Manufactured homes, Metal homes, traditional building etc should be allowed. As long as the building code is met, flexibility in material type helps keep ADU's affordable and increases affordable housing options.

An ADU is not a substitute for zoning that allows **predominate lot size** to influence the lot size in an area. And ADU cannot be divided from the main dwelling.

Below are excerpts from the Clark County Code and **questions in red**.

## **Temporary Dwellings**

To qualify, county ordained hardship requirements have to be met, use temporary. The dwelling may have to be removed in order to sell to new owner who doesn't meet county hardship regulations.

click the code for details [40.260.210](#)

### **40.260.210 Temporary Dwellings**

#### **A. Authorized – Hardship.**

Subject to the conditions and upon the issuance of the permit provided for herein, **one (1) or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already occupied by one (1) or more principal dwellings, for use by one (1) of the following:**

1. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and assistance necessitated by advanced age or infirmity, the need for which is documented by a physician's medical statement; or
2. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises; or
3. Relatives over sixty-two (62) years of age with an adjusted household gross income, as defined on IRS Form 1040 or its equivalent, which is at or below fifty percent (50%) of the median family income for Clark County (as adjusted), who are related by blood or marriage to a resident of the principal dwelling;
4. Within the forest and agricultural districts (Section [40.210.010](#)) only:
  - a. Relatives; or
  - b. A purchaser of the lot, tract, or parcel if a seller who is at least sixty (60) years of age has retained a life estate to occupy the principal dwelling as a primary residence.

**4. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision requirements.**

**Do temporary dwellings typically have to be sold when a lot with a main dwelling is sold?**

**Guest Houses: Does the county allow a temporary guest house in a rural zone to continue as an accessory to the main dwelling when it sells? Does the county require the removal of temporary guest houses if a change in ownership or some other condition occurs?**

**40.260.010 Accessory Buildings and Uses**

**B. A guesthouse may be maintained accessory to a dwelling, unless otherwise limited by the zoning district.**

**40.100.070 Definitions**



**“Guesthouse”** means an accessory building designed, constructed and used for the purpose of providing **temporary living accommodations for guests**, or for members of the same family as that occupying the main structure, and **containing no kitchen facilities**.

**Inside the UGA, ADU's are not temporary, include kitchens, and can be rented out for income. If the main home is sold, it appears the ADU can be sold with it.**

**40.260.020** Accessory Dwelling Units

A. Purpose.

An accessory dwelling unit (ADU) is an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. These units are intended to provide for a greater range of choices of housing types in single-family and multifamily residential districts while protecting the character of the residential neighborhood.

B. Applicability.

1. Accessory dwelling units may be allowed in the R1-20, R1-10, R1-7.5, R1-6, R1-5 zones or on any multifamily-zoned (Residential (R) or Office Residential (OR)) lot developed with an existing single-family dwelling, subject to the requirements of this section.
2. A lot of record lawfully occupied by two (2) or more single-family residences per Section **40.200.050** does not qualify for an ADU, unless the lot is short platted under Chapter **40.540**. If a short plat is approved, an ADU for each dwelling unit is permitted only if all dimensional standards of the underlying zone and all other provisions of this section are met.
3. An ADU shall not be located in a dwelling or on a lot where a Type II home business is operating.

C. Development Standards.

1. No more than one (1) ADU per legal lot is permitted and it must be accessory to a single-family residence.
2. No accessory dwelling unit shall be permitted on a lot of less than five thousand (5,000) square feet. An ADU shall not contain more than one (1) bedroom.
3. ADUs require building permits to ensure compliance with applicable fire, health, and safety codes.
4. An ADU may be created through:
  - a. Internal conversion within an existing dwelling;
  - b. The addition of new square footage to the existing house or to a garage;
  - c. Conversion of an existing garage;
  - d. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
  - e. A separate detached dwelling unit on the same lot as the primary dwelling unit when the accessory unit is located at least ten (10) feet behind the most distant back or side wall or other structural element of the primary dwelling unit structure.
  - f. Mobile homes are not considered an ADU for the purposes of this subsection.
5. An ADU shall conform to the standards of the zone, including, but not limited to lot coverage and setbacks.
6. Building height is limited to twenty-five (25) feet for a detached ADU. Additions to existing dwellings shall meet the height requirements of the zone.
7. Allowable Size.

The total gross floor area of an ADU shall not exceed eight hundred (800) square feet or forty percent (40%) of the area of the primary dwelling's living area, whichever is less, with the following exceptions for large lots with large primary dwellings:



- a. On lots zoned R1-10 that are at least ten thousand (10,000) square feet, the maximum square footage of an ADU is one thousand (1,000) square feet, or forty percent (40%) of the area of the primary dwelling's living area, whichever is less; and
- b. On lots zoned R1-20 that are at least twenty thousand (20,000) square feet, the maximum square footage of an ADU is fifteen hundred (1,500) square feet, or forty percent (40%) of the area of the primary dwelling's living area, whichever is less.

The living area of the primary unit excludes unhabitable floor area and garage or other outbuilding square footage whether attached or detached. If the primary dwelling is less than seven hundred and fifty (750) square feet, the ADU may be up to three hundred (300) square feet even though this exceeds forty percent (40%) of the primary dwelling unit's living area. The absolute minimum area of an ADU is determined by the building code.

#### 8. Parking.

One parking space shall be provided for the ADU. Parking may be provided by the following methods:

- a. On site;
- b. On-street parking; provided, that the parking space is legally available and along the ADU lot's street frontage. Posted-time or day-restricted parking spaces do not qualify as legally available for the purposes of this section; or
- c. If no parking space is available on-site or on-street, a joint agreement for off-site parking may be used subject to Section 40.340.010(A)(5).

9. An ADU shall connect to public sewer and water unless a sewer waiver is obtained under Section 40.370.010.

10. ADUs shall be subject to impact fees at the same rate as those imposed for multifamily dwelling units.

#### 11. Owner Occupancy.

Prior to issuance of a building permit establishing an ADU, the applicant shall record as a deed restriction in the County Auditor's office a certification by the owner under oath in a form prescribed by the responsible official that one (1) of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for **as long as the other unit is being rented or otherwise occupied**. The owner shall maintain residency for at least six (6) months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance and is subject to the enforcement actions described in Title 32.

(Amended: Ord. 2005-04-12)

#### D. Design Standards.

1. The exterior appearance of an addition or detached ADU shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and colors, roof form and pitch, window style and placement, other architectural features and landscaping. The responsible official may approve variations as necessary to accommodate proposed energy efficient building features into the ADU.
2. New entrances for an ADU created by internal conversion or by an addition to an existing primary dwelling shall be located on the side or rear of the primary residence unless it can be demonstrated that no feasible alternative exists.
3. Exterior Finish Materials. Plain concrete, concrete block, corrugated metal or plywood are prohibited if they are not the predominant exterior finish material on the primary dwelling, unless these materials duplicate or reflect the predominant finish.
4. Roof Slopes. For buildings over fifteen (15) feet in height, the slope of the accessory dwelling unit roof must be the same as that of the predominant slope of the primary dwelling structure.

---

5 Historic Structures If an ADU is on the same lot as or within a historic structure which has been designated on the national, state or local historic register, the following design guidelines are applicable

a Exterior materials should be of the same type, size and placement as those of the primary dwelling structure

b Trim on edges of elements of accessory structures and additions should be the same as those of the primary structure in type, size and placement

c Windows in any elevation which faces a street should match those in the primary structure in proportion, i e , same height, width and orientation (horizontal or vertical)

d Pediments and Dormers Each accessory dwelling unit over twenty (20) feet in height should have either a roof pediment or dormer if one (1) or the other of these architectural features are present on the primary dwelling

6 Accessibility To encourage the development of ADA-accessible housing units, the responsible official may allow reasonable deviation from the requirements of this section for features that facilitate accessibility

E Process

Accessory dwelling units require Type I site plan review under Section 40 510 010 Building permits may be submitted at the same time as the site plan review  
(Amended Ord 2010-08-06)

---