



**Town of Yacolt
Council Special Meeting Agenda
Wednesday, March 26, 2025
6:00 PM
Town Hall**

Call to Order

Flag Salute

Roll Call

Late Changes to the Agenda

New Business

1. Discuss Accessory Dwelling Unit Regulations

Executive Session

Adjourn



Town of Yacolt Agenda Request

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Clerk Fields

Group Name: Staff

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ITEM INFORMATION:

Item Title: Discuss ADU Rules and Regulations

Proposed Meeting Date: March 26, 2025

Action Requested of Council: Join the discussion; ask questions, give input

Proposed Motion: None; discussion only

Summary/ Background: With state legislation favoring ADUs, the question of allowing them in Town has come up during Council meetings in the last year or so. At the March 14th Council Meeting, Councilmember Carroll suggested that Council hold a special meeting to discuss rules and regulations regarding ADUs. The Town's current Municipal Code at **Chapter 18.55** allows for Temporary Dwellings:

18.55.010 Temporary dwellings authorized – Hardship.

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

- A. 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*
- B. 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*
- C. Relatives over 62 years of age with a low income as defined by Section 8 of the U.S. Housing Act, [42 U.S.C. § 1401](#), who are related by blood or marriage to a resident of the principal dwelling. [Ord. 371 § 10(A), 1997.]*

18.55.020 Temporary dwellings – Conditions.

Temporary dwellings authorized herein shall be subject to the following minimum conditions:

A. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this title; provided, that one temporary dwelling may be approved for each authorized permanent dwelling, subject to septic system approval.

B. The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists; provided, that the additional dwelling authorized includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate.

C. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.

D. No more than one temporary dwelling shall be authorized under this chapter if the primary dwelling is a mobile home.

E. 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. [Ord. 371 § 10(B), 1997.]

18.55.030 Temporary dwellings – Permits.

A. Applications for temporary dwelling permits shall be submitted to the mayor on forms provided by the town, and shall be accompanied by a processing fee. The application shall include the following:

1. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing buildings; and the proposed location of the temporary dwelling;

2. A description of the proposed temporary dwelling;

3. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;

4. Statement signed by the applicant describing the hardship or need which may include a letter from a medical doctor verifying the need for continuous care and assistance shall also be submitted;

5. A declaration to be filed with the town clerk upon approval of the application setting forth the temporary nature of the dwelling.

B. A temporary dwelling permit shall be valid for two years, and may be renewed by the issuing body for successive two-year periods upon written substantiation by the applicant to the continuing hardship or need justification. Upon the expiration of the two-year period, or at the end of each successive two-year period(s), if granted, the applicant shall notify the mayor in writing that the temporary dwelling has been removed and, further, said notice shall

include a request for an inspection to determine that the temporary dwelling has, in fact, been removed in compliance with the permit. [Ord. 371 § 10(C), 1997.]

18.55.040 Revocation.

In addition to any other remedies provided for by law, violation of permit conditions, standards of this chapter shall constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered by the town council following a public hearing. [Ord. 371 § 10(D), 1997.]

As Updated in 2023, RCW 36.70A.680 says:

RCW 36.70A.680

Accessory dwelling units—Local regulation.

(1)(a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of RCW 36.70A.681, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and RCW 36.70A.681 supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and RCW 36.70A.681 must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or RCW 36.70A.681 is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or RCW 36.70A.681 requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in RCW 36.70A.681 prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to RCW 36.70A.681;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

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