



Town of Yacolt
Council Meeting Agenda
Monday, May 19, 2025
6:00 PM
Town Hall

Call to Order

Flag Salute

Roll Call

Unfinished Business

1. Council Special Meeting: Accessory Dwelling Unit Workshop

Adjourn



Town of Yacolt Agenda Request

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

Name: Clerk Fields

Group Name: Staff

Address: 202 W Cushman St
Yacolt, WA 98675

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ITEM INFORMATION:

Item Title: Accessory Dwelling Unit Workshop

Proposed Meeting Date: May 19, 2025

Action Requested of Council: Discuss guidelines for the possibility of allowing ADUs within the Town, to provide feedback toward potentially drafting Code regarding ADUs

Proposed Motion: None; discussion only

Summary/ Background: Members and some of their constituents have expressed an interest in having the Town allow ADUs where appropriate in Town. The Clark County Health Department requirements would be one major key factor in determining whether or not an ADU could be allowed on a property, along with the Town's own Zoning regulations. However, the Town Council has a multitude of other decisions to make with regard to actually creating Municipal and Building Code for ADUs. This discussion will allow them to address many of their questions. A packet containing information and questions to be addressed is attached.

Staff Contact(s): Clerk Fields

clerk@townofyacolt.com

(360) 686-3922

Memorandum

To: Yacolt Town Council
From: David W. Ridenour
Re: Workshop Questions for Accessory Dwelling Unit Regulation, (ADUs)
Date: April 14, 2025

The Council held a special meeting on March 26, 2025 to consider amending Yacolt's Zoning Code to permit Accessory Dwelling Units, (ADUs), on properties in Yacolt. The discussion led to the following conclusions:

- A. New Statutes Require Adoption of an ADU Code: RCW 36.70A.680-681 will preempt much of the law surrounding ADUs. Staff currently expects that the statutes will not become effective in Yacolt until the second half of 2026, six months after the adoption of Yacolt's comprehensive plan update. The statute would become effective in the first half of 2026 if Yacolt's comprehensive plan update is completed in late 2025.
- B. Procedure: The ADU Code will be a new "development code" for purposes of Yacolt's Comprehensive Plan and will require approval by the Department of Commerce and other State agencies in what is typically a 60-day review period. The Town is limited to one revision per year of its development regulations. The Town is now working on a periodic update to its plan, led by the Town Engineer, Jackson Civil Engineering. The Town Engineer is aware of the statutory requirements for ADUs and will be assisting staff with respect to the State review procedures. The Town's ADU Code will not be subject to legal challenges under the State Environmental Policy Act, (SEPA).
- C. Yacolt's Temporary Dwelling Code Not Applicable: There was some confusion during the meeting about whether a new ADU Code would change or overlap with the Town's existing Code for Temporary Dwellings, (YMC 18.55). There is no connection between the two subjects. An ADU Code will allow multiple permanent dwellings on existing parcels in almost any configuration and for almost any residential purpose. Temporary dwellings allow the brief location of RVs and other mobile dwellings based on a clear and temporary hardship. The adoption of a new ADU Code does not require any change to the Temporary Dwelling Code. The two Codes need not necessarily overlap.
- D. Septic System Rules Will Affect ADU Approvals: Yacolt's proposed ADU Code will be impacted significantly by the fact that Yacolt does not have a sewer system. RCW 36.70A.680(4) does not allow the Town to 'require' or 'authorize' the construction of an ADU when septic regulations restrict such a development.

The Council directed staff to begin work on new ADU regulations with periodic input by the Council.

QUESTIONS FOR THE COUNCIL:

This Memorandum offers questions and discussion points for Yacolt's proposed ADU Code. The Council's decisions will guide development of the proposed Code, but the Council is not committing to anything at this point and will be free to make changes in the future. The ADU statutes are copied at the bottom of this Memorandum for your convenience.

1. **Interim Code:** The Council may decide whether it is interested in interim regulations that apply prior to the effective date of the statutes. Interim regulations could apply rules that differ from the rules that will eventually be required by the statutes.

Notes: _____

2. **Zoning District Choices:** An ADU Code would apply in all residential zoning districts. But there is some question about whether the statutes will require ADUs in Yacolt's other zoning districts. (The other potential zoning districts are Light Manufacturing and Commercial.)

RCW 36.70A.681(1)(c) states that "The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes..."

Yacolt currently allows single-family homes in its commercial and light manufacturing zoning districts as a conditional use. Does the existence of a conditional use process to apply for an SFR mean that the Town "allows" single-family homes in these other zoning districts? Does the word "allow" in the statute mean 'permitted by right' or should the word include 'permitted only following the satisfaction of a discretionary process such as a conditional use application?

- 2.1 The first question to answer is whether the Town must allow ADUs in commercial and light manufacturing zones because the Town allows SFRs as a conditional use. (My initial opinion on this issue is probably not.)

Notes: _____

- 2.2 The second question to answer will be whether the Council must allow ADUs in commercial and light manufacturing zones where a residential use has already been or in the future is approved as a conditional use. (My initial opinion is that a good case can probably be made that ADUs should be allowed in these situations.)

Notes: _____

- 2.3 If the Council concludes that it is not required to allow ADUs in other zoning districts under any circumstances, would the Council like to make an exception for properties where a single-family dwelling and/or other residential use has already been approved?

Notes: _____

3. **Short Term Rentals:** The Town is allowed to restrict the use of ADUs for short-term rentals. (RCW 36.70A.680(5)) Does the Council wish to restrict the use of ADUs as short-term rentals in any way?

Notes: _____

4. **Impact Fees:** The Town must determine how impact fees will apply to ADUs. The Town is not allowed to impose impact fees that are “greater than 50 percent” of the impact fees that “would be imposed on the principal unit”. (RCW 36.70A.681(1)(a))

- 4.1 **School Impact Fees:** Yacolt currently collects \$5,000.00 as the impact fee for the Battle Ground School District. (The School District recently requested a school impact fee of \$10,760.00. Yacolt declined to raise its existing \$5,000 impact fee due to serious questions surrounding the School District’s process for capital facilities planning and its calculation of the higher impact fees).

Notes: _____

- 4.2 **Fire Impact Fees:** Yacolt’s current residential impact fee for fire protection is \$250.00. YMC 3.15.180.

Notes: _____

- 4.3 **Park Impact Fees:** Yacolt’s current residential impact fee for parks is \$2,300.00. YMC 3.15.180.

Notes: _____

- 4.4 **Traffic Impact Fees:** Yacolt’s current residential impact fee for traffic facilities is \$2,750.00. YMC 3.15.180.

Notes: _____

5. **Occupancy Standards:** “The city... may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot”. RCW 36.70A.681(1)(b). (For information only.)

Notes: _____

6. **Maximum Number of ADUs Per Lot:** The Town may limit the number of ADUs on a single lot, but not below the minimum numbers required by the statutes. Generally the minimum number of ADUs that must be allowed on every lot ‘where single-family homes are allowed’ is two. (RCW 36.70A.681(1)(c))

At least two ADUs must be allowed in the following configurations:

- (i). One attached accessory dwelling unit and one detached accessory dwelling unit;
- (ii). Two attached accessory dwelling units; or
- (iii). Two detached accessory dwelling units, which may be comprised of either one or two detached structures.

6.1 What are the Council's desires for limiting the number of ADUs on individual lots?

Notes: _____

6.1 Would the Council consider changing the maximum number of ADUs if one or more of the ADUs are "attached" or "attached-internal" ADUs?

Notes: _____

6.3 Would the Council consider different rules depending on the size and characteristics of a building site? For example, would it matter if the subject parcel was one acre or one-half acre and could accommodate more ADUs than the Town's smallest buildable lots of 10,000 square feet?

Notes: _____

7. **ADU Size:** The Town may impose limits on the maximum square footage of ADUs, but may not set a limit that is less than 1,000 square feet: "The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet." (RCW 36.70A.681(1)(f))

7.1 Does the Town want to establish any maximum limits on ADU sizes?

Notes: _____

7.2 If size limits are created, does the Town want to be able to consider applications for larger ADUs, such as through a conditional use permit process?

Notes: _____

7.3 Does the Town need or want to allow exceptions to size limits for attached ADUs or internal-attached ADUs?

Notes: _____

8. **Roof Heights:** Does the Council want to establish rules for roof heights that are more generous than what is required by the ADU statutes? “The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit”. (RCW 36.70A.681(1)(g))

Notes: _____

9. **Setback, Etc.:** Does the Council want to establish rules for setbacks and other zoning requirements that are more generous than what is required by the ADU statutes? (h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units; RCW 36.70A.681(1)(h).

Notes: _____

10. **Public Alleys:** Does the Council agree to add the statutory rule regarding setbacks at public alleys? “A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley”. (RCW 36.70A.681(1)(i))

Notes: _____

11. **Building Conversions:** Does the Council agree to add the statutory rule regarding building conversions? “A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage”. (RCW 36.70A.681(1)(j))

Notes: _____

12. **Off-Street Parking:** Does the Council desire to impose any off-street parking rules where allowed by the ADU statutes?

Notes: _____

RCW 36.70A.681(2):

(a) A city or county subject to the requirements of this section may not:

- (i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;
- (ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

- (iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
- (b) The provisions of (a) of this subsection do not apply:
 - (i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or
 - (ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

13. **Undersized Lots:** What should happen with sub-standard lots with square footage below the Town’s current standards for a buildable lot? Such parcels might be “non-conforming” under the current zoning code, or may be “legal non-conforming” because a dwelling was constructed before the adoption of the zoning code, (i.e., the house is ‘grandfathered’). Staff has not tried to fully interpret whether the statutes preempt such decisions.

It is possible that a sub-standard lot size could be treated as an “unsuitable physical characteristic of a property” that would allow the Council to exercise some discretion over these situations. (See, RCW 36.70A.680(4)) Other statute sections of interest include RCW 36.70A.681(e) which states “The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit”. RCW 36.70A.681(3) states that “When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.”

Notes: _____

14. **Pre-Approved ADU Plans:** During the special meeting, the Council mentioned that some cities have pre-approved plans for ADUs structures. Does the Council want staff to collect examples of such plans from other jurisdictions as a starting point for adopting a similar program in Yacolt?

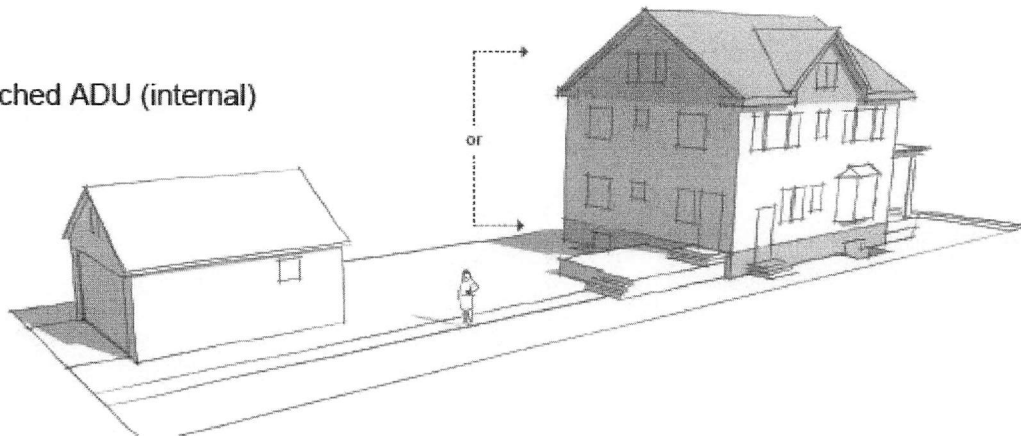
The Town might address this issue in the ADU code by simply saying that pre-approved plans may be adopted (1) periodically by Council Resolution, or (2) by the Building Official as he/she deems appropriate from time-to-time.

Notes: _____

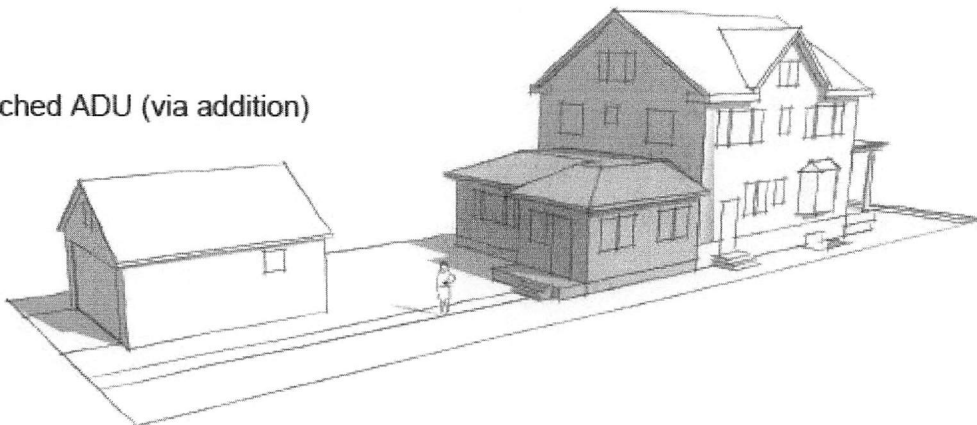
Examples of Accessory Dwelling Units (ADUs)

ADUs in blue; main residence in white

Attached ADU (internal)



Attached ADU (via addition)



Detached ADU

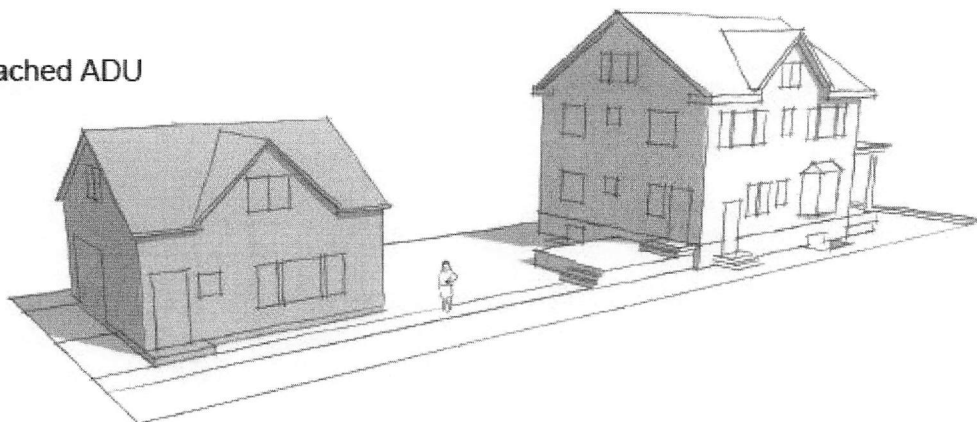


Image credit: City of Saint Paul, MN

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.

RCW 36.70A.681 - Accessory dwelling units—Limitations on local regulation.

(1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and RCW 36.70A.680, a city or county must comply with all of the following policies:

(a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

(d) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

(2)(a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;

(ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).