



# Public Services

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VERN M. REDIFER, P.E. - Director

YAKIMA COUNTY PLANNING DIVISION  
**Type 2 Conditional Use Permit**  
- FINAL DECISION -

**PROJECT NAME:** Phillips Accessory Dwelling Unit

**REVIEW PROCESS:** Type 2

**FILE NUMBER:** PRJ2017-00196 / CUP2017-00093


**ZONING:** Rural-10/5 (R-10/5)

**FUTURE LAND USE DESIGNATION:** Rural Self-Sufficient

**PARCEL NUMBER:** 191209-14402

**PROPOSAL:** The proposal is to rectify a code violation (COD2017-00044) for an existing 900 square foot accessory dwelling unit (ADU) attached to a garage.

**PROPERTY OWNER:** Marvin Goldade  
4707 W. Nob Hill  
Yakima, WA 98908

**PREPARED BY:**  Dinah Reed, Senior Project Planner, Zoning and Subdivision

**DECISION:** Approved with the following conditions:

**The following conditions must be obtained within three years of the date of this decision. Please note that this decision and time limit pertains to conditional authorization for the subject land use only and failure to comply with all conditions will result in the revocation of this permit. This Final Decision includes the following conditions and the findings as described.**

1. The applicants shall obtain and finalize all outstanding building permits as listed in Finding #8(e) with the Yakima County Public Services: Building & Fire Safety Division for the subject parcel. Please contact the Building & Fire Safety Division at (509)574-2300.
2. The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the existing unrecorded/unpermitted access to the county roadway system.

3. The applicant shall provide at least three (3) parking spaces that are surfaced with a minimum of screened gravel or crushed rock, or better, and meet the requirements of YCC 19.22.070(1)(b).
4. The structure for the ADU shall meet the current standards of the residential, building, mechanical, electrical and energy codes as required for a single-family dwelling.
5. The attached Accessory Dwelling Unit Covenant shall be executed to preclude the separate sale or division of the accessory dwelling unit from the single-family dwelling and to ensure that one of the dwellings is occupied by one or more property owners. This covenant shall be submitted to the Yakima County Planning Division with the appropriate recording fees, prior to the issuance of any outstanding building permits.
6. The ADU shall be no greater than 1,000 square feet and shall be located within 100 feet of the primary residence.
7. The ADU's exterior walls shall be similar in color and building materials to the primary detached dwelling.
8. The entrance to the ADU shall be designed to be clearly secondary to the primary residence's main entrance.
9. The applicant shall provide verification to the Planning Division from the Yakima Health District for a shared septic system and shared well between the primary residence and the ADU, prior to issuance of any outstanding building permits.
10. The owners, their grantees and assignees in interest will abide by the terms of YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement attached to this decision. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions.

**The following are ongoing conditions that apply to the project for the life of the permitted use. Failure at any time to comply with these conditions can result in the revocation of this permit.**

11. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2017-00093. Any changes may require a modification to this authorization. If changes are planned in the future, please contact the Yakima County Public Services Department: Planning Division at (509)574-2300 for assistance with the permitting process.
12. The ADU is detached from the main residence, therefore the applicants are required to have the ADU on its own sewer and water connection and meter.
13. 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 YCC 19.18.020 are violated. If the County withdraws occupancy, the property owner may use the detached building for an approved use only or remove the structure from the premises.

14. The applicants shall ensure that any exterior lighting and fencing installed in the future meets the requirements as outlined below and in YCC 19.10.040.
15. Stormwater must be retained on site and upland drainage, if any, must be conveyed through the property in accordance with criteria found at YCC 12.10.130. A Washington State Department of Ecology Construction Stormwater Permit may be required for ground disturbance of one acre or more.

Based upon information supplied by the applicant and a review of the Yakima County Comprehensive Plan (*Plan 2015*) and Yakima County Code Title 19 (the Unified Land Development Code), the Administrator enters the following:

### **FINDINGS AND ANALYSIS**

#### **Location**

1. The subject parcel is located approximately 430 feet west of Birchfield Road, 960 feet north of the intersection of Thorp Road and Birchfield Road and approximately 1 ½ miles east of Union Gap, WA.

#### **Project Description**

2. The applicants have an existing garage with an apartment attached to the garage that is currently a code violation (COD2017-00044). The application is a proposal to rectify the code violation by applying for a detached accessory dwelling unit (ADU). The proposal is for the 900 square foot ADU, to be provided domestic water from an existing two-party shared well, and to provide sanitary disposal from an existing community septic system. Access is from a private driveway connected to Birchfield Road.

#### **Zoning and Land Use**

3. Pursuant to the Yakima County Unified Land Development Code, Title 19, the subject parcel is within the Rural-10/5 (R-10/5) zoning district. The intent of the Rural-10/5 (R-10/5) district is to "maintain rural character and provide density incentives to encourage development where fire protection services and access to roads with a paved or other hard surface are available." (YCC 19.11.030(1)(b))

In accordance with the Yakima County Comprehensive Plan (*Horizon 2040*), the property is designated Rural Self-Sufficient. The intent of this designation is to implement the Growth Management Act planning goal related to reducing sprawl, protecting the environment and providing adequate facilities and services commensurate with the density of development. The Housing element of *Plan 2015* contains goals and policies that address specific ways the County can encourage affordable housing. The following Housing policy applies to this project:

- Policy H 3.4 Accommodate changing demographic trends and housing preferences by allowing accessory units, co-housing, and other nontraditional housing types in appropriate locations.

The subject parcel is 3.37 acres in size and currently has a house and a garage with a dwelling space within it, a horse lean-to, and storage shed. Parcels to the west, east and south are within the R-10/5 zoning district and range in size from 5.17 acres to less than an acre. Parcels to the

north are within the AG zoning district and range in size from over 50 acres to approximately 1 acre. Surrounding uses on the smaller lots are rural residential.

#### **Jurisdiction and Process**

4. This proposal is being reviewed as an accessory dwelling unit. An accessory dwelling unit is defined in the Yakima County Code as “a structure meeting the purpose and requirements of Section 19.18.020 that is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family. In areas specified, accessory dwellings may be detached from other structures” (YCC 19.01.070(4)).

According to YCC Table 19.14-1, detached accessory dwelling units are considered a Type 2 use in the R-10/5 zoning district. Type 2 uses are generally allowed uses that must be reviewed by the Administrative Official and may be conditioned to ensure compatibility and compliance with the zoning district and the comprehensive plan, *Horizon 2040* (YCC 19.30.030(2)).

#### **Environmental Review**

5. According to the Yakima County Critical Areas maps the subject parcel is within an Alluvial Fan High Risk area and there is a Type 3 stream on the northern border of the lot that is also associated with a floodplain. However, the structures are outside of the floodplain. Type 3 streams require a 50-foot setback from the Ordinary High Water Mark. The house and garage are 100 feet and 150 feet setback, respectively.

*Staff Finding: The structures on this parcel are not within an impact area of the critical areas identified, therefore the critical areas would not be affected by this proposal. The proposal is also exempt from SEPA review by WAC 197-11-800(1)(b).*

#### **Notice of Application**

6. This proposal is being reviewed under the Type 2 review process which may generate public interest and therefore requires public notice, according to YCC 16B.03.030(1)(b). After the application was submitted, an internal notice of project review was emailed to representatives of the Transportation Division, the Building and Fire Safety Division, the Environmental and Natural Resources Planning Section, the Water Resources Division, the Utilities Division, and the Yakima Health District. Internal comments were received from the Transportation Division, Water Resources Division, and Building Division. Copies of the comments are attached for further detail.

The application was determined complete on October 10, 2017 and a combined Notice of Application, and Notice of Completeness were mailed to property owners within 300 feet of the property and to agencies having jurisdiction or interest in the proposal on October 13, 2017, with the comment period ending October 27, 2017. The only comment received was a comment letter from a neighboring property owner stating they were in favor of the proposal.

#### **Review Criteria for Accessory Dwelling Units**

7. An accessory dwelling unit is a permitted use, secondary to the primary use of a detached single-family dwelling. According to YCC 19.18.020(1), the following requirements and standards apply to accessory dwelling units (ADUs):
  - a. Off-street parking shall be provided as required in Chapter 19.22 for both the ADU and the primary residence on the lot they are intended to serve.

*Staff Finding: According to YCC Table 19.22-2 Off-Street Parking Standards, a single-family dwelling requires 2 parking spaces and an ADU requires 1 parking space. The applicant will be required to ensure there are at least 3 parking spaces that are surfaced with a minimum of screened gravel, crushed rock or better and meet the requirements of YCC 19.22.*

- b. The ADU shall meet current standards of the residential, building, mechanical, electrical and energy codes as required for single family dwellings.

*Staff Finding: The proposal is to come into compliance with an existing ADU. The applicants will be required to ensure that the ADU meets the current standards of the residential, building, mechanical, electrical and energy codes for single-family dwellings and they must obtain all necessary permits from the Building and Fire Safety Division.*

- c. The ADU shall have the same building setbacks as the primary structure.

*Staff Finding: Building setbacks from property lines and roads are addressed below under Finding 8(f).*

- d. A lot shall contain only one accessory housing unit.

*Staff Finding: The parcel contains a primary residence and one ADU within the existing 900 square foot garage on the property.*

- e. 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 where within an Urban Growth Area, to a regional sewer system.

*Staff Finding: The subject parcel is not within an Urban Growth Area, therefore connection to a regional sewer system is not required. The ADU is attached to a garage on the parcel which shares the well with the primary residence as well as the septic system. The applicant shall provide verification from the Yakima Health District that the existing individual well has the capacity to be a shared well, and that the existing septic system is approved to serve both the primary residence and the ADU.*

- f. A lot containing an accessory housing unit shall not be subdivided, or otherwise segregated in ownership, in a way that separates the ADU and the primary residence on different lots unless otherwise allowed by this Title and the conditions of the project permit decision. If the accessory housing unit cannot be subdivided, 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.

*Staff Finding: The applicants shall execute the attached Accessory Dwelling Unit covenant to preclude the separate sale or division of the ADU from the single-family dwelling. This covenant shall be submitted to the Yakima County Planning Division with the appropriate recording fees, prior to the issuance of a building permit.*

- g. The ADU and the primary residence shall share a common driveway unless the two units are allowed to access different roads.

Staff Finding: According to the site plan, the main residence and the existing structure access onto a private road which connects to Birchfield Road.

- h. Size: The ADU's floor area shall be comprised of not more than 1,000 square feet and shall not exceed the size of the primary structure. 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 thickness of the exterior walls and garage areas from the overall gross building area:

Staff Finding: The primary residence is a manufactured home placed in 1993 with a total gross square footage area of 1,568 square feet. The proposed ADU is 900 square feet, therefore meets the threshold requirement of being 1,000 square feet or under and being smaller than the primary residence.

- i. 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 may live in either the primary or accessory unit and must have a 50% or greater interest in the property. The owner-occupant must live in the structure for over six months of each calendar year, but may be absent up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the owner-occupied unit. The owners of the ADU must sign and record with Yakima County an owner-occupancy covenant prior to issuance of a building permit.

Staff Finding: According to the application, the main residence will be occupied by the property owners. The applicants shall be required to sign and record with Yakima County the provided ADU owner-occupancy covenant prior to issuance of a building permits.

- j. The attached or detached ADU shall be located within 100 feet from the primary residence.

Staff Finding: Based on the submitted site plan and aerial photos, the ADU itself (not the attached garage) is approximately 65 feet from the primary residence, therefore meeting this standard.

- k. 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.)

Staff Finding: The front entrance for the ADU is south facing, and facing the private roadway into the property. This decision conditions that the entrance to the ADU is designed to be clearly secondary to the primary residence's main entrance.

- l. The ADU's exterior walls shall be designed to be similar in color and building materials to the primary detached dwelling.

Staff Finding: This decision conditions that the ADU and the primary residence's exterior walls be similar in color and building materials.

- m. The ADU and the primary dwelling unit will share a single sewer and water connection unless the local sewer and/or water purveyor required separate connections. Outside of Urban Growth Areas, the two dwelling may use separate on-site sewage disposal systems.

*Staff Finding: Based on the applicant's narrative, the ADU shares the well and septic system with the primary residence. See Finding #7(e) above.*

- n. 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 YCC 19.18.020 are violated.

*Staff Finding: If the County withdraws occupancy, the property owner may use the detached building for an approved use only or remove the structure from the premises.*

### **Development Standards**

8. The development standards that generally apply for the type of project being proposed are as follows:

- a. **Conformity with All Regulations Required:** (YCC 19.10.040(1)) "Any development, structure or part shall conform to all of the regulations specified in this Title for the situation and zoning district in which they are located in order to be authorized, erected, constructed, reconstructed, moved or structurally altered."

*Staff Finding: The proposed ADU will conform to all of the applicable regulations of Title 19 and the Rural -10/5 (R-10/5) zoning district, provided the above conditions are met.*

- b. **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(a)) "Yards or lots created after the effective date of this Title shall meet at least the minimum requirements established by this Title and shall not be smaller than the minimum standards established in Chapters 19.10 through 19.18. The lot size, width, depth, shape and orientation shall be in accordance with the applicable zoning laws."

*Staff Finding: As proposed, the ADU will meet the minimum requirements for yards.*

- c. **Access Required:** (YCC 19.10.040(3)) "All new development shall have a minimum of 20 feet of lot frontage upon a public road or be served by an access easement conforming to the dimensional requirements of Sections 19.23.040 and 19.23.050 to provide for access to the development. The approach location shall be reviewed by the County Engineer for compliance with YCC Chapter 10.08. Approach connections to other public roads are subject to review by the applicable agency. Verification of legal access and a valid road approach permit shall be required prior to final approval of any permit granted under this Title."

*Staff Finding: The applicants are proposing to use the existing private driveway access from Birchfield Road. The Transportation Division provided the following comment:*

*"(Per title 10.08.020 and 19.10.040 (3)) The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the existing unrecorded/unpermitted access to the county roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future building permits will be issued without the completion and approval of a Road Approach Permit."*

*The applicant is required to obtain a Road Approach Permit as a condition of approval of the application from the Transportation Division. For information regarding road approach permits, please contact the Yakima County Transportation Division at (509)574-2300.*

- d. **Land Uses:** (YCC 19.10.040(4)) "Uses allowed within a zoning district are listed as permitted, administrative or conditional uses in the Allowable Land Use Table 19.14-1 within Chapter 19.14."

*Staff Finding: According to Table 19.14-1 Allowable Land Uses, a detached accessory dwelling unit is considered a Type 2 use in the R-10/5 zoning district. Therefore, this proposed ADU is being reviewed under the Type 2 process.*

- e. **Building Permits Required:** (YCC 19.10.040(5)) "No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official under RCW 19.27 and YCC Title 13. No building permit shall be issued, except in conformity with this Title."

*Staff Finding: The Building Division provided comments stating that the applicant shall obtain and/or finalize all outstanding building permits as a condition of approval:*

- i. *"Detached garage 36 x40 BLD1985-22235 only had a footing inspection. Will need a new permit.*
- ii. *The new 30 x 30 addition to the detached garage was built without a permit.*
- iii. *There is an 8 x 16 addition to the storage structure built without a permit.*
- iv. *The 12 x 44 horse lean-to was built without a permit.*
- v. *The 14 x 34 patio cover was built without a permit.*
- vi. *There appears to be an above ground LP tank. If larger than 60 gallons, it would require a permit.*
- vii. *The swimming pool may require a permit.*
- viii. *MHP1984-19880 no inspections. Would need a new permit.*
- ix. *MHP1993-590 no inspections. Would need a new permit."*

*The applicants will be required to obtain and finalize all necessary permits as a condition of approval. For more information on building and fire code permits, please contact the Building and Fire Safety Division at (509)574-2300.*

- f. **Setbacks, Easements and Right-of-Way:** (YCC 19.10.040(6) & Table 19.11.030-2) A private shared driveway within an access easement that is less than 60 feet in width requires a ten (10) foot from edge of easement building setback in the R-10/5 zoning district. Buildings and structures in the R-10/5 zoning district also have a ten (10) foot interior side and rear setback from property lines.



*Staff Finding: The proposed ADU does not appear to encroach on the required road or property line setbacks.*

- g. **Vision Clearance Triangles at Intersections and Driveways:** (YCC 19.10.040(7)(b)) “A vision clearance triangle shall be maintained at all driveways and curbcuts, and the intersection of an alley with a public street for vision and safety purposes. The vision clearance triangle shall measure 15 feet along the perpendicular street curb lines or pavement edge, or travel lane of the public street and 15 feet along the driveway or alley, as illustrated in Figure 19.10.040-2. The third side of the triangle shall be a straight line connecting the 15 foot sides described above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.”

*Staff Finding: The applicants appear to comply with the Vision Clearance Triangle.*

- h. **Maximum Building Height and Lot Coverage:** (YCC 19.10.040(8)(a) & Table 19.11.030-2) Building height is considered to be the vertical distance from grade plane to the average height of the highest roof surface. The maximum building height is intended to maintain building and structure heights that are compatible with the character and intent of the zoning district. Lot coverage is the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces. In the R-10/5 zoning district, according to Table 19.11.030-2, the maximum building height is 35 feet and the maximum lot coverage is not specified.

*Staff Finding: The applicant complies with this development standard.*

- i. **Fences, Walls and Recreational Screens:** (YCC 19.10.040(9)) The provisions of YCC 19.10.040(9) “. . . shall govern the location and height of fences and walls, to allow access to properties by utility employees and emergency response personnel and to maintain good appearance of residential areas and visual access along residential streets and between lots.”

*Staff Finding: Fencing information was not included with the current application. Any new fencing, walls, and recreational screens installed in the future shall meet the requirements of YCC 19.10.040(9).*

- j. **Exterior Lighting:** (YCC 19.10.040(10)) “Exterior lighting is regulated to minimize light pollution to neighboring properties and encourage true-color, full-spectrum light rendition in projects. Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, fully shaded, screened, shielded, and of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare or light intrusion into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles.” Figures 19.10.040-3 and -4 of the Yakima County Code contain examples of exterior lighting sources and fixtures.

*Staff Finding: The applicants shall ensure that any exterior lighting installed meets the requirements as outlined above and in 19.10.040(10).*

- k. **Floodplain Development:** (YCC 19.10.040(11)) "A pre-application meeting and a Flood Hazard Permit application is required for all new development in floodplains in order to minimize and mitigate potential adverse impacts to property and infrastructure while reducing risks to public health and safety. Yakima County will utilize existing flood hazard data and mapping to assist applicants with the layout and design of their proposal. If the potential adverse impacts cannot be mitigated through the Flood Hazard Permit under YCC 16A.05, 16C.05 and 16D.05, a critical areas and shoreline permit will be required under Yakima County Critical Areas and Shoreline codes."

*Staff Finding: Based on the Yakima County Critical Areas maps, the subject property is located within a floodplain on the north portion of the parcel. However, all structures are outside of the designated floodplain. In the future, if the applicant wishes to build new structures north of the existing structures, they will need to consult with the Yakima County Floodplain Administrator via a pre-application meeting.*

- l. **Stormwater Requirements:** (YCC 19.10.040(12)) Stormwater quality and quantity concerns for project permits can be addressed through YCC Chapter 12.10, the State Environmental Policy Act environmental review process, or through the requirements of the Washington Department of Ecology. This is to ensure public and private development projects comply with National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable.

*Staff Finding: The Yakima County Water Resources Division provided the following comments regarding surface water runoff:*

*"The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. Any natural drainageways must not be altered or impeded.*

*Natural drainage shall not be altered or impeded.*

*Natural Resources Conservation Service soils data, as depicted on the Web Soil Survey site, indicates the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions.*

*Site is within a floodplain and is within a geological hazard area based on Yakima County GIS."*

*The applicants will be required to retain all surface water runoff on-site and comply with the requirements of YCC 12.10.130. Any natural drainageways must not be altered or impeded. For questions regarding stormwater information, contact the Water Resources Division at (509)574-2300.*

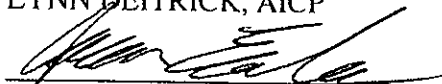
### DECISION

Based upon the above findings, the Yakima County Administrative Official hereby Conditionally Approves the application of Marvin Goldade, on behalf of the property owner Glen Phillips for an accessory dwelling unit, subject to the conditions listed above.

**If you have any questions regarding this decision or the appeal process, please contact Dinah Reed, Senior Project Planner, at (509)574-2300.**

**Administrative Official:** LYNN DEITRICK, AICP

**Designee:**

  
Jason Earles

Planning Section Manager / Zoning and Subdivision

**Date:**

11-6-17

### NOTICE OF APPEAL

In accordance with Section 16B.09 of the Yakima County Code, any person of standing may appeal the Administrative Official's decision to the Yakima County Hearing Examiner. A notice of such appeal shall be filed in writing and delivered to the Planning Division on the 4th Floor of the Yakima County Courthouse, Yakima, Washington on or before 4:00 p.m., 11-20-17. The appeal shall be in writing, shall be accompanied by the filing fee, and shall include:

- A. The appellant's name, address, and telephone number.
- B. Appellant's statement establishing standing to initiate the appeal under Section 16B.09.020 of this Chapter;
- C. An identification of the specific proposal and specific actions, omissions, conditions or determinations for which appeal is sought;
- D. Appellant's statement of the particular grounds for the appeal, setting forth the principal points of appeal and addressing why the appellant believes the decision to be wrong; and
- E. The desired outcome or relief sought by the appellant.

**Attachments:**

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Application
- C. Narrative
- D. Site Plans
- E. Floor Plan
- F. Internal Comments
- G. Legal Description
- H. Accessory Dwelling Unit Restrictive Covenant with Legal Description
- I. Covenant Instructions

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*Yakima County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin, or sex in the provision of benefits and services resulting from its federally assisted programs and activities. For questions regarding Yakima County's Title VI Program, you may contact the Title VI Coordinator at 509-574-2300. If this letter pertains to a meeting and you need special accommodations, please call us at 509-574-2300 by 10:00 a.m. three days prior to the meeting. For TDD users, please use the State's toll free relay service 1-800-833-6388 and ask the operator to dial 509-574-2300.*



## **Compliance, Extension, Expiration and Reinstatement (YCC 16B.07.050)**

- (1) Compliance with Conditions and Safeguards of Project Permit. It is the affirmative duty of a project permit holder and the land owner (as applicant) to comply with any conditions made a part of the terms under which the approval of a project permit was granted as authorized by Yakima County Code. The applicant shall complete all required conditions, submit documentation that all conditions were met and request County inspection or review to determine that the requirements have been fulfilled within the timeframe specified in the decision and any authorized extensions. When the conditions of the project permit have been met within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the applicant shall provide a letter certifying that the conditions were met to the Administrative Official to document compliance.
  
- (2) Extension of Any Approved Project Permit. A valid project permit, other than a preliminary plat, may be extended one time only for up to one additional year by action of the Administrative Official.
  - (a) Requests for extensions shall be made in writing, shall be submitted to the Planning Division prior to the expiration date and shall be accompanied by the final approved site plan showing the location and size of any development or work already completed on the project. Such extension request shall present a timeline that identifies when each of the conditions of the decision has or will be completed and shall detail unique and special circumstances that prohibited the commencement or completion, or both, of the use authorized.
  - (b) The Administrative Official shall review the request without public notice or hearing and issue the decision within fourteen days from the receipt of the completed request. The Administrative Official may:
    - (i) Approve the extension based on a work schedule provided by the applicant to assure the work will be completed according to a modified schedule, or
    - (ii) Disapprove the extension.
  - (c) The Administrative Official shall mail the decision to the applicant and shall specify the decision as final unless appealed to the Hearing Examiner under the provisions of Chapter 16B.09 of this Title. Conditions of approval listed previously in the Notice of Decision issued pursuant to 16B.07.010 through 16B.07.030 of this Chapter may be appealed only according to the procedures and time periods specified in YCC 16B.09.010 and are not subject to appeal again following any decision or determination of the Administrative Official made under this Section 16B.07.050.

Attachment: A

- (3) Failure to Complete Approved Permit Conditions within Specified Timeframe and Failure to Comply with Permit Decisions or Conditions.
- (a) Expiration. If compliance with the terms of the project permit approval has not occurred within the timeframe specified by the decision and any subsequent extension authorized by the applicable code, the project shall be considered expired by time limitation and the land use approval shall be null and void. Expiration of a project permit granted pursuant to Yakima County Code shall not be subject to appeal.
  - (b) Violations. A project permit issued or processed pursuant to any applicable Title listed in YCC 16B.01.020 will be deemed in violation of this Code if it is ascertained that the application included any false information material to the project permit approval, or if it develops that the conditions and safeguards made a part of the terms under which the approval was granted are not being maintained. Such violations of project permit approval shall be subject to Chapter 16B.11 and other remedies available to Yakima County under any applicable law to enforce conditions of permit approvals, remedy land use and code violations or abate those violations including without limitation YCC Title 13.
  - (c) Compliance agreement. The applicant and the County may enter into a compliance agreement to complete the required conditions subject to appropriate fees to compensate the County in preparing, recording and implementing the compliance agreement. On terms acceptable to the Administrative Official, in his or her sole discretion, the County may offer an extension of time to complete the required conditions of approval subject to appropriate fees to compensate the County in preparing, recording and implementing any such compliance agreement; provided, however, that no compliance agreement may be used in lieu of the permit process to remove or negotiate conditions of approval.
- (4) Reinstatement. Where a project permit has expired, the applicant may apply to have the permit reinstated and the work authorized by the original permit can be recommenced, provided the following are met:
- (a) The applicant submits a written request not more than sixty days after the original permit or authorized extension expired.
  - (b) The applicant provides a timeline for successful achievement of all conditions upon which the Administrative Official can agree.
  - (c) The codes under which the original permit was issued and other laws which are enforced by Yakima County have not been amended in any manner which affects the work authorized by the original permit.
  - (d) No changes have been made or will be made in the original plans and specifications for such work.
  - (e) The applicant submits a reinstatement fee. The fee for a reinstated permit shall be seventy percent of the amount required for a new project permit pursuant to YCC Title 20.
  - (f) Where the request for reinstatement does not comply with all of the preceding criteria in this Subsection, a new project permit application must be submitted and processed as a new project, at full permit fees.



# ACCESSORY DWELLING UNIT (ADU) FORM

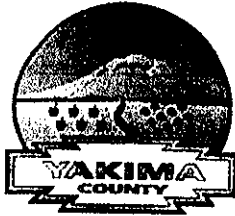
FINAL  
Revised: 10/30/15

Yakima County Public Services  
128 North Second Street · Fourth Floor Courthouse · Yakima, Washington 98901  
(509) 574-2300 · 1-800 572-7354 · FAX (509) 574-2301 · www.co.yakima.wa.us

## PLEASE ANSWER THE FOLLOWING QUESTIONS (Attach additional sheets if necessary)

1. Will the property owner live in the:  Main Residence or  Accessory Dwelling Unit (ADU)  
*NOTE: If there are currently more than one residence on the property then ADU is not permitted on-site.*
2. What is the total gross square footage (area) of the ADU? 900 sq. feet
3. What is the total gross square footage (area) of the main residence? 1568
4. Will the ADU be attached to:  House,  Garage, or  Free Standing  
*NOTE: If the ADU is freestanding (not attached) shall be located within 100 feet of the main residence.*
5. On which side of the ADU will the front entrance be located? South
6. Are you proposing to use a park model for the ADU?  Yes  No
7. Will the ADU be constructed of material and paint color similar to the primary residence?  
 Yes  No, explain: \_\_\_\_\_
8. A minimum of four (3) parking spaces are required (2 for the primary residence and 1 for the ADU).  
Are you able to provide a minimum of 3 parking spaces?  Yes  No
9. The ADU must share the same access as the primary residence. Will the ADU meet this requirement?  
 Yes  No
10. What type of road serves the property?  Private Road  Public Road (County, City or State Highway)  
a. What is the road surface:  Gravel  Paved
11. What is the source of domestic water for the existing residence and the ADU?  
 Public Water Supply (operated by a public entity such as Nob Hill Water, a city, etc.)  
Name of the water provider: \_\_\_\_\_  
 Expand use of an existing community well/shared well (3+ connections including the ADU)  
Name, or State ID# of existing community water system \_\_\_\_\_  
Well is located on Parcel Number: \_\_\_\_\_ Number of existing connections: \_\_\_\_\_  
 Shared well with main residence, this well is:  Existing  Proposed
12. Which of the following methods of sewage disposal do you propose for the ADU?  
 Public sewer, Name of the System: \_\_\_\_\_  
 Community on-site sewage system with main residence.  
 Individual, on-site sewage system separate from the main residence.
13. Explain how the proposal and associated site improvements are compatible with neighboring land uses.  
(examples: location of building to property line, type of construction, etc.) ADU will have similar structure + use as existing.
14. Required Attachments:  
 Attach a complete copy of the subject properties legal description from the recorded deed.  
 Attach a floor plan drawn of the accessory dwelling unit showing: living areas, storage areas, mechanical rooms, and other interior residential spaces.

Attachment: AB



# NARRATIVE FORM

FINAL  
Revised 10/01/15

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The Narrative Form is designed to help you, the application review, interested agencies, and adjacent property owners to the proposal understand the scope of your project and how your project meets the legal requirements in the Yakima County Codes. You should refer to the appropriate sections of the ordinance when describing your proposal if applicable. You can obtain a copy of the ordinance in our office or access it on the internet at:

<http://codepublishing.com/wa/yakimacounty/>

**Narrative Content:** Please tell us the “who”, “what”, “where”, and “why” of your proposal. A list of typical content is provided below. **Please do not limit your project’s description to just these items.** In order for us to conduct a timely review of your project please **be as detailed as possible**. Any missing/confusing information could result in the delay of our review.

Note: Not all content listed below will be pertinent to your proposal. These items are suggestions in order to help you draft your narrative.

### **Suggested Content:**

- Describe the current use of the site including all existing structures with their dimensions, square footage and usage.
- Describe the proposed use in detail (including but not limited to the type of business and/or use, hours and days of operation, number of employees, number of people living on-site, maximum number of customers and/or guests, changes or additions to the driveways or other access points, the type of mitigation or adjustment requested).
- Describe which standards are proposed to be adjusted and justify why the standard needs to be adjusted.
- Describe any new or existing structures to be used as part of this proposal.
- Describe how the proposed use will be pertinent to the proposed/existing structures.
- Describe any parking facilities (number of spaces and surface type), landscaping, signage, and lighting that will be associated with your proposal.
- Describe your access to the property and the route of travel to the site.
- For commercial operations describe the travel ways that will be located onsite.
- Describe the timelines for completion of your proposal.

**Please remember that your narrative must explain in detail the specifics of your proposal and any missing information may result in the need for future reviews.** Your narrative can be typed and printed on a separate sheet of paper with “See Attached” written below, or you may print out legibly your narrative on the lines provided.

The ADU home will be used by the property owner daughter and son-in-law. For the Purpose of caring for the aging owner and his wife. The property owner has advanced COPD and needs care of him and the property. (Dr.s note is available if needed)

The ADU is an addition to the exciting 40x30 shop/garage. The ADU is 30x30 (900sq ft). It uses The exciting power, water and on- site sewage system .Heat for home is propane fire place. The ADU is a studio type of home. With open floor plan with a bathroom, Kitchen and laundry. With one large walk in Closet For storage of house hold goods.

The ADU resident will use all exciting driveways parking areas (gravel). ADU will have been painted, Landscaped and structure similar to the exciting garage. The home is integrated well with the exciting Property and it surroundings.





# MINIMUM REQUIREMENTS SITE PLAN SUBMITTAL CHECKLIST

FINAL  
Revised 10/01/15

## Land Use Actions

Yakima County Public Services

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This informational brochure will assist in the preparation of your site plan for project submittal. The minimum site plan information on this page is required. Check the box beside those items that you have included on your site plan. A sample site plan is also included for your assistance. If you need information or assistance please contact the Public Services at (509) 574-2300.

### Required Site Plan Information:

|    |                                     |  |
|----|-------------------------------------|--|
| 1  | <input checked="" type="checkbox"/> | Paper size shall be 8.5 x 11 or 11 x 17. If multiple pages, provide an index sheet showing the entire site. <b>Grid paper or picture backgrounds are not acceptable, the map must be reproducible</b>  |
| 2  | <input checked="" type="checkbox"/> | Blue or Black Ink, in order that they may be photocopied.  |
| 3  | <input checked="" type="checkbox"/> | North Arrow (north should be pointing to the top of the page)  |
| 4  | <input checked="" type="checkbox"/> | Legend to include:   |
|    | <input checked="" type="checkbox"/> | <i>Owner/Applicant Name</i>  |
|    | <input checked="" type="checkbox"/> | <i>Date the Site Plan was drawn.</i>   |
|    | <input checked="" type="checkbox"/> | <i>Name, address and telephone number of the person preparing the site plan</i>  |
|    | <input checked="" type="checkbox"/> | <i>Tax Parcel Number</i>   |
|    | <input checked="" type="checkbox"/> | <i>Standard engineering scale of the drawing (at least: 1" = 200 ft.)</i>  |
| 5  | <input checked="" type="checkbox"/> | Property line dimensions of all lot(s) involved in the project.  |
| 6  | <input checked="" type="checkbox"/> | The location, width and purpose of all easements (utility, access and/or irrigation) on the site and adjacent to the site.   |
| 7  | <input checked="" type="checkbox"/> | Location of new and/or expanded public and private utility infrastructure.   |
| 8  | <input checked="" type="checkbox"/> | Streets and access easements, with the name, dimensions, type (public or private) and road surface (paved, gravel or dirt).  |
| 9  | <input checked="" type="checkbox"/> | Location, dimension and design of off-street parking facilities and points of ingress (to) and egress (from).  |
| 10 | <input checked="" type="checkbox"/> | Location of pedestrian and vehicular circulation patterns, sidewalks, trails and bicycle paths.  |
| 11 | <input checked="" type="checkbox"/> | Location, shape, size, gross floor area, height and types of all existing and proposed structures, minimum building setbacks from the property lines and other structures, and the total lot coverage.   |
| 12 | <input checked="" type="checkbox"/> | Location and dimensions of all proposed exterior land uses.  |
| 13 | <input checked="" type="checkbox"/> | The distance from existing and proposed structures to the centerline of state, county, or private access roads.  |
| 14 | <input checked="" type="checkbox"/> | Location of structures on the adjoining lots, which may cause compatibility issues.  |
| 15 | <input checked="" type="checkbox"/> | All major man-made and natural physical features such as railroads, canals, streams, creeks, drainage ditches, hills, depressions, steep slopes, lakes, shorelines, floodplains*, floodways, the 100-year base flood elevations etc. on-site or adjacent to the site. <b>(*Boundaries of the 10 and 25-year floodplain using the flood risk maps as provided by Yakima County as part of a mandatory pre-application meeting.)</b> |
| 16 | <input checked="" type="checkbox"/> | Description of the extent to which any watercourse will be altered or relocated as a result of the proposal.   |
| 17 | <input checked="" type="checkbox"/> | Proposed location and dimensions of community and other open space.  |
| 18 | <input checked="" type="checkbox"/> | Existing and proposed landscaping, site screening, street trees and stormwater drainage facilities.  |
| 19 | <input checked="" type="checkbox"/> | Location of well or water systems within 100 feet of the subject property or within a 100 foot well control zone and the distance from any structures within the well control zone.  |
| 20 | <input checked="" type="checkbox"/> | Proposed contours and grading as they affect lot layout, streets, and drainage ways.   |
| 21 | <input checked="" type="checkbox"/> | Location of proposed or existing drain field area, extension area, and tank area as well as replacement areas and distances to structures and property lines   |
| 22 | <input checked="" type="checkbox"/> | Location of adjacent public water, sewer main, fire protection systems and other underground facilities within or adjacent to the development.   |
| 23 | <input checked="" type="checkbox"/> | Within a UGA, Master Planned Resort or Rural Settlement show the existing topographic contours at intervals of not more than 5' when the ground slopes exceed 10%. Extend 100' beyond the boundaries of the site.  |

All shown *Me [Signature]*

Attachment: D

OWNER: LITTLE PHILLIPS

I = 60'

PAR # 191209-14402

N

Location 3534 Birchfield Rd Moxee

454'

TYPE 3 STREAM WATER

154'

100' FP

New 30x30 (AOU)

Horse Leanto

Storage

334'

215'

60'  
Pump house

Home

158'

Drive way

Septic & Drainfield

25' Access Easement

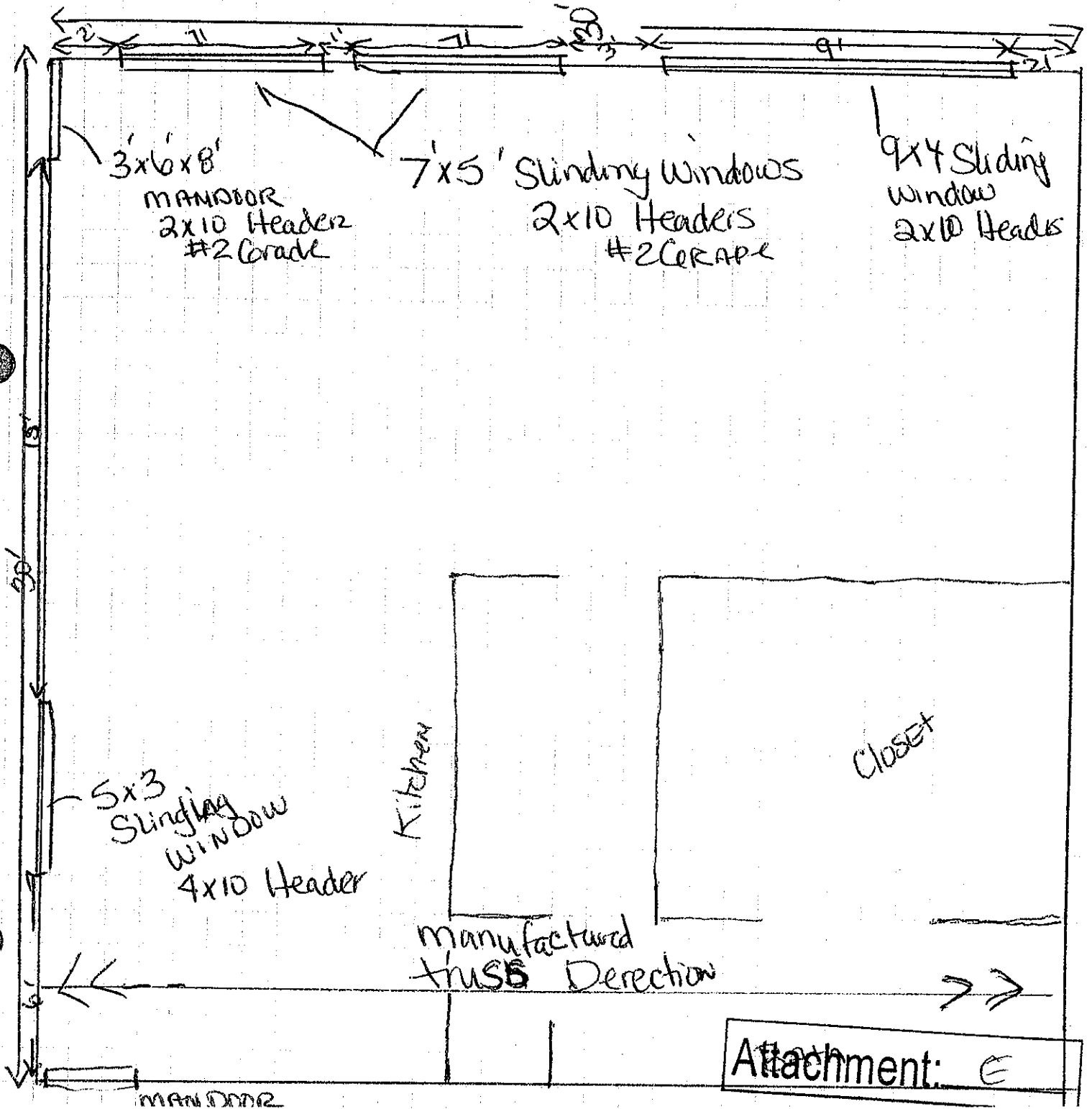
Right of way driveway

Glen Phillips  
#191209-14402  
3534 Birchfield Rd.

N

30' x 30'  
900 sq. feet

Additional Garage storage work area  
Non heated  
Footings/foundation



# Actions on Case CUP2017-00093 Parcel Number: 19120914402

(Phillips/Marvin) Accessory dwelling unit in the R-10/5 zoning district. Associated with COD2017-00044.

---

**File Prep For Comp. Review**

Submittal received 9/28/2017

**Assigned To:**

File Due 10/5/2017

**Done By:**

File Completed

---

**Legal Notice****Assigned To:****Done By:** BJB

Notice sent

---

**Case Created****Assigned To:****Done By:** BJB

Date Created 9/28/2017

---

**No Submittal Received****Assigned To:****Done By:** BJB

Date Created 9/28/2017

---

**Trans. Completeness Notes****Assigned To:****Done By:** JDW

Date Routed 10/2/2017

Comment Required By 10/4/2017

Response Date 10/2/2017

(Per title 10.08.020 and 19.10.040 (3)) The applicant shall obtain a Road Approach Permit (RAP) from the Yakima County Transportation Division for the existing unrecorded/unpermitted access to the county roadway system. The fact that the road approach application is in conjunction with a CUP must be disclosed by the applicant at the time of application. No future build permits will be issued without the completion and approval of a Road Approach Permit.

---

**Surface Water Issues****Assigned To:****Done By:** EH

Date Routed 10/3/2017

Comment Required By 10/5/2017

Response Date 10/3/2017

The owners shown hereon, their grantees and assignees in interest hereby covenant and agree to retain all surface water generated within the plat on-site. Any natural drainageways must not be altered or impeded.

Natural drainage shall not be altered or impeded.

Natural Resources Conservation Service soils data, as depicted on the Web Soil Survey site, indicates the parcel has shallow depth to groundwater, shallow depth to hardpan, and/or poorly draining soils that may make compliance with requirements to retain runoff on site difficult or limiting, depending on the amount and type of current and future site development and available engineering solutions.

Site is within a floodplain and is within a geological hazard area based on Yakima County GIS

Attachment:   F

**Building Completeness Notes****Assigned To:****Done By:** GG

Date Routed 10/4/2017

Comment Required By 10/6/2017

Response Date 10/4/2017

10-04-17 detached garage 36 x40 BLD1985-22235 only had a footing inspection. Will need a new permit.

The new 30 x 30 addition to the detached garage was built without a permit.

There is a 8 x 16 addition to the storage structure built without a permit.

The 12 x 44 horse lean to was built without a permit.

The 14 x 34 patio cover was built without a permit.

There appears to be an above ground LP tank. If larger than 60 gallons, it would require a permit.

The swimming pool may require a permit.

MHP1984-19880 no inspections. Would need a new permit.

MHP1993-590 no inspections. Would need a new permit.

**Zoning Completeness Notes****Assigned To:****Done By:** DSR

Date Routed 10/4/2017

Comment Required By 10/6/2017

Response Date 10/4/2017

Appears Complete.

**Completeness Review Period****Assigned To:****Done By:** DSR

Submittal received 9/28/2017

Review due 10/26/2017

Review Completed 10/10/2017

**Utilities Issues****Assigned To:****Done By:** JES

Date Routed 10/10/2017

Comment Required By 10/12/2017

Response Date 10/10/2017

No concerns.

**PC Tracking****Assigned To:****Done By:** B P

Date Created 10/11/2017

Date Due

Finished 10/11/2017

10/11/17 - Sent request to printing for 20 postcards, due 10/12/17 - BP

**Notice of Application Sent****Assigned To:****Done By:**

Notice Due

Comment Ends 10/27/2017

Notice sent 10/13/2017

2871760

COUNTY EXCISE TAX

DATE 9/29/89

PAID \$ 459.00

REC. NO. 241981

YAKIMA COUNTY REAL ESTATE CONTRACT

FILED BY Date: Sept 29, 1989

Sellers, DAVID B. IVY and CRISTY KAY IVY, husband and wife, agree to sell to Purchasers, GLEN L. PHILLIPS and ELAINE PHILLIPS, husband and wife, and Purchasers agree to buy from Sellers, the following property in Yakima County, Washington:

Parcel B of Short Plat, recorded in Book "G" of Short Plats, Page 16, under Yakima County Auditor's File No. 2422042, records of Yakima County, Washington.

(Parcel No. 191209-14402-8), Levy Code: 385

TOGETHER WITH all water rights appurtenant thereunto and all water rights possessed by Sellers appertaining thereto.

Subject to future assessments by reason of the inclusion of said premises within the boundaries of Drainage District No. 11, Union Gap Irrigation District, Fowler Ditch Company, Weed District No. 2, Dike District No. 1 and Mosquito Control District No. 1.

Subject to easement or right of way for electric transmission and distributing line granted to Pacific Power & Light Company, a corporation, as disclosed by instrument recorded March 7, 1950 under Yakima County Auditor's File No. 1293637.

Subject to easement for ingress and egress over the South 25 feet as delineated on the face of the Short Plat.

Subject to right of way for Drainage District No. 11 (Moxee Drain) as delineated on the face of Short Plat.

Subject to pendency of Yakima County Superior Court Cause No. 77-2-01484-5 entitled State of Washington, Department of Ecology, plaintiff, v. (numerous named defendants), notice of which is given by Lis Pendens recorded under Yakima County Auditor's File No. 2479271, and supplemented by Auditor's File No. 2584358, being an action for the determination of the rights to divert, withdraw or otherwise make use of the surface waters of the Yakima River Drainage Basin in accordance with the provisions of Chapters 90.03 and 90.44, Revised Code of Washington.

Subject to rights reserved in federal patents, state or railroad deeds; building or use restrictions general to the area; zoning regulations; utility easements of record; rights of way or easements shown on the plat or visible by inspection; and any future adjudication of surface water rights by any appropriate federal and/or state proceedings.

2. PURCHASE PRICE: The purchase price is \$30,000.00 (THIRTY THOUSAND AND NO/100 DOLLARS, of which \$2,000.00 has been paid, receipt being acknowledged. Purchasers agree to pay the balance of the purchase price together with interest on deferred balances at the rate of ten (10%) percent per annum from the date hereof, as follows:

Attachment: 9





# Covenant Instructions

Yakima County Public Services  
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Preliminary or Final Decisions issued by the Yakima County Planning Division may require the applicant to return or submit a covenant that includes a full legal description. The instructions listed below are intended to assist the applicant with this process.

---

1. Attach on a separate piece of paper the full legal description. Legal descriptions may be obtained from deeds or title reports.
2. Property Owner(s) or in case of a corporation the legal authorized signer must sign the covenant (Black Ink).
3. Covenant must have a witness to the signature; make sure Notary signs and seals (Black Ink).
4. Be sure when you submit the covenant to include the recording fees. This fee will be determined by our administrative staff at our front counter. If you are mailing the covenant with a check, please call prior to sending for the correct recording amounts.

Attachment: J