



Public Services

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VERN M. REDIFER, P.E. - Director

YAKIMA COUNTY PLANNING DIVISION
Type 2 Application
- FINAL DECISION -

PROJECT NAME: Heily Accessory Dwelling Unit

REVIEW PROCESS: Type 2

FILE NUMBER: CUP2017-00124/VAR2018-00002/PRJ2017-01252

PARCEL NUMBER: 191324-21408


ZONING: Rural – 10/5 (R-10/5)

FUTURE LAND USE DESIGNATION: Rural Self-Sufficient

PROPOSAL: Type 2 application to build a 700 square foot Accessory Dwelling Unit (ADU).

OWNER: Timothy Heily
250 Lewis Road
Naches, WA 98937

AGENT: Robert Taylor
1716 Parsons Loop
Yakima, WA 98908

PREPARED BY:  Jacob Clay, 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. Prior to the issuance of building permits, the applicant shall obtain a Road Approach Permit from the Yakima County Transportation Division for the access onto Roza Hill Drive. 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.

2. The applicant shall obtain all necessary Yakima County Public Services: Building & Fire Safety Division permits prior to the commencement of construction. Please contact the Building & Fire Safety Division at (509) 574-2300.
3. The ADU structure shall meet the current standards of the residential, building, mechanical, electrical and energy codes as required for a single-family dwelling.
4. The ADU shall have provisions for cooking, eating, sanitation, and sleeping, and shall be no greater than 1,000 square feet.
5. The ADU's exterior walls shall be designed to be similar in color and building materials to the primary detached dwelling
6. The accessory dwelling unit shall be located within 100 feet from the primary residence.
7. The applicant shall provide verification from the Yakima Health District that the existing community well can support an additional connection for the ADU. Documentation shall be provided from the Yakima Health District that the existing septic system can be shared with primary residence. Documentation of both approvals shall be submitted to the Yakima County Planning Division prior to the issuance of building permits.
8. The applicant shall record the attached Accessory Dwelling Unit Restrictive Covenant. The Restrictive Covenant must be recorded prior to issuance of building permits.
9. The applicant shall record the attached Especially Sensitive Land Use (ESLU) covenant. The ESLU covenant must be recorded prior to issuance of building permits.
10. The applicant shall not build the Accessory Dwelling Unit within 10 feet of the north property line. The applicant shall not build the Accessory Dwelling Unit within 326 feet of the mineral resource overlay to the north.
11. The applicant shall provide a total of 3 parking spaces (1 for the ADU and 2 for the single family residence) that is surfaced with a minimum of screened gravel or crushed rock or better, and meet the requirements of YCC 19.22.070(1)(b). All required parking must be installed prior to occupancy or commencement of use.
12. 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.

13. The project shall be completed in conformance with the project description and site plan submitted with the application referenced as file number CUP2017-00124 and VAR2018-00002. 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.

14. 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. A Washington State Department of Ecology Construction Stormwater Permit may be required for new buildings.
15. Exterior lighting shall be directed downward and otherwise arranged, 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 into any adjacent residential use or interfere with the safe operation of motor vehicles.

Based upon information supplied by the applicant, a review of the Yakima County Comprehensive Plan – *Horizon 2040* and the Yakima County Zoning Ordinance, the Administrator enters the following:

FINDINGS AND ANALYSIS

Location

1. 7802 Roza Hill Drive. Located on the south side of East Roza Hill Drive, approximately 1,000 feet west of the intersection of Roza Hill Drive and Warrior Road, and approximately 4 miles east of the City of Yakima.

Project Description

2. The applicant is proposing to convert an existing garage on the parcel to be a 700 square foot Accessory Dwelling Unit (ADU). The proposed ADU will share the current well and utilize a community on-site sewage system with the main residence. The applicant has also requested for an Administrative Adjustment to a 500 foot setback from a Mineral Resource Site to the north of the property. The Administrative Adjustment is to request a 320 foot setback from the Mineral Resource Site.

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 (R-10/5) zoning 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 *Horizon 2040* contains goals and policies that address specific ways the County can encourage affordable housing. The following Housing policy applies to this project:

- Policy H 3.3 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 1.00 acre in size and currently has a house and a garage. Surrounding parcels are within the R-10/5 zoning district and range in size from 1.25 to 13.8 acres. Surround parcels contains agriculture operations and the parcel to the south contains a residence.

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. The proposal was determined to be categorically exempt from State Environmental Policy Act (SEPA) environmental review. There were no identified designated critical areas that would be affected by this proposal.

Notice of Application

6. 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, the Building Division, Environmental Division, and the Water Resources Division. One comment was received from the Transportation Division.

Yakima County Transportation Division: The Yakima County Transportation Division provided the following comment:

“No record of a RAP for this parcel.

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 or provide proof of prior permitting for the existing accesses to Roza Hill Drive. 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 can be issued without an approved Road Approach Permit.”

Staff Finding: This decision conditions the applicant obtain a RAP prior to issuance of building permits. For more information please contact the Transportation Division at (509) 574-2300.

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 January 17, 2018, with the comment period ending January 31, 2018. No external comments were received.

Review Criteria for Conditional Use Permits

7. “Type 2 Administrative Uses shown on the Allowable Land Use Table 19.14-1 in Chapter 19.14 are generally allowed in the zoning district. The compatibility between a Type 2 Administrative Use and the surrounding environment cannot always be determined in advance. Therefore, a Type 2 Administrative Use may be conditioned to ensure compatibility and compliance with the provisions of the zoning district and the goals, objectives and policies of the Comprehensive Plan” (YCC 19.30.030(2)(b)(iv)).

Staff Finding: The proposed ADU is compatible with the character of the surrounding area and is in accordance with housing policies of **Horizon 2014**. Policy H 3.3 allows the County to accommodate changing demographic trends and housing preferences by allowing accessory units in appropriate locations. Policy H 3.9 allows accessory units as a means to increase affordable housing and help existing homeowners remain in their homes. Provided the placement and use of the ADU meets all standards set forth in YCC Title 19, the community as a whole will be benefited rather than injured.

Review Criteria for Accessory Dwelling Units (ADU)

8. Yakima County Code 19.18.020(b)&(c) states that Accessory Housing shall be subject to the following requirements:

- a. Off-street parking shall be provided as required in Chapter 19.22 for both the ADU and primary residence on the lot they are intended to serve. Parking facilities within rural zones shall be surfaced with a minimum of screened gravel or crushed rock, or better, except that the Reviewing Official may require paving and/or landscaping of the parking facility when necessary to protect the public health or safety.

Staff Finding: Table 19.22-2 of Off-Street Parking Standards requires the applicant to provide 1 parking space for the ADU and 2 parking spaces for the single family residence. Therefore, as a condition of approval the application shall provide a total of 3 parking spaces which shall be surfaced with a minimum of screened gravel or crushed rock, or better.

- b. The ADU shall meet current standards of the residential, building, mechanical, electrical and energy codes as required for single-family dwellings. Park models may be considered as accessory housing provided they meet the balance of the standards in Section 19.18.020.

Staff Finding: The applicant is proposing to construct the new ADU within an existing garage. This decision conditions that the accessory dwelling unit meet the current standards of the residential, building, mechanical, electrical, and energy codes as required for a single-family dwelling.

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

Staff Finding: The setbacks for structures within the R – 10/5 zoning district are specified in Table 19.11.030-2. The subject parcel is accessed via a 30 foot access easement that connects to Roza Hill Drive. The front setback from the access easement is 10 feet from the easement. Side and rear setbacks for primary structures is 10 feet. However, the subject parcel is within a mineral resource overlay. YCC 19.18.205(2)(iv) states especially sensitive land uses (ESLU) must meet a 500 foot setback from property designated mineral resource, parcel # 191313-34002. The applicant has applied for an Administrative Adjustment to the ESLU standard from the mineral resource. The applicant has asked the standard be adjusted to 320 feet from the mineral resource boundary. This administrative adjustment is discussed further under Finding 9.

- d. A lot shall contain only one ADU.

Staff Finding: According to the Yakima County Assessor's office there is currently only one single family residence located on the property which was built in 1989. The proposal is for one ADU, therefore meeting this requirement.

- e. In all zones the primary residence and ADU 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 will be built in 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 community well has the capacity to have another connection. Additionally, Yakima Health District shall provide documentation that the existing septic system is approved to serve both the primary residence and the ADU.

- f. A lot containing an ADU 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 Title 19 and the conditions of the project permit decision. If the ADU 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 ADU as a separate dwelling lot.

Staff Finding: The applicant shall provide a signed covenant stating that it precludes the separate sale or division of the ADU to the Yakima County Planning Division prior to the issuance of building permits.

- 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 applicant currently accesses their property via an existing driveway onto Roza Hill Drive. The ADU will share the existing approach via the existing driveway as proposed on their submitted site plan.

- h. 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.

Staff Finding: The applicant has proposed a 700 square foot ADU and the primary residence is 1,890 square feet therefore meeting this requirement.

- 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.

Staff Finding: According to the submitted application, the owner of the parcel will live in the primary residence, therefore meeting this requirement.

- j. Owners of the ADU must sign and record with Yakima County an owner-occupancy covenant prior to issuance of a building permit.

Staff Finding: The applicant shall be required to sign and record with Yakima County an owner-occupancy covenant prior to issuance of a building permit. A covenant is included with this Decision.

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

Staff Finding: According to the site plan the ADU will be placed approximately 85 feet east of the primary residence, therefore meeting this requirement.

- l. 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 of the ADU will be facing westward. Roza Hill Drive is located north of the ADU. Therefore, the entrance is not visible from right-of-way and meets this requirement.

- m. 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 be similar in color and building materials. Based on the application the ADU will be of the same color and building material of the primary residence.

- n. If the ADU is attached to the primary dwelling unit, the two dwelling units will share a single sewer and water connection, unless the local sewer and/or water purveyor requires separate connections. Outside of Urban Growth Areas, the two dwellings may use separate on-site sewage disposal systems.

Staff Finding: The ADU is not attached to the primary residence however, the applicant is proposing to share the on-site sewage disposal system. Yakima Health District shall provide documentation that the existing septic system is approved to serve both the primary residence and the ADU.

- o. 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

Review Criteria for Administrative Adjustments:

9. YCC 19.35.020(6)(d) states "the widths of the setbacks specified in Subsection 19.18.205(2)(a) may be modified under Type 1 review by the Building Official in consultation with the Administrative Official and recording a declarative covenant as provided in section 19.18.205(4), or as stipulated by conditions of previous permit approvals, where the applicant documents one or more of the following cases:" YCC 19.35.020(6)(d)(i) states that if "the lot was legally created prior to adoption of this Title . . . and the lot cannot accommodate the special setback due to its insufficient area or dimension. In such situations, the maximum possible setback or approved setback from the adjoining agricultural, mineral or forest zoning district or use shall apply."

Staff finding: The subject parcel is approximately 111 feet in width from north to south. The Mineral Resource setback covers the entire parcel. The applicant has proposed to place the ADU 30 feet

from the north property line. Based on the dimensions of the lot a Type 1 Administrative Adjustment to the resource setback will be allowed. The applicant shall maintain a 10 foot setback from the north property line for ESLUs, approximately 326 feet from the parcel designated as a Mineral Resource.

Development Standards

10. 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 comply with the standards of the R – 10/5 zoning district and the development standards of YCC 19.10.040, provided the above conditions are met.

- b) **Yards, Lots, Open Space and Off-Street Parking and Loading Spaces:** (YCC 19.10.040(2)(b)) “No part of a yard, other open space, off-street parking or loading space required in connection with any development for the purpose of complying with this Title, shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other development...”

Staff Finding: The applicant is not proposing to share yard, open space, or parking and will therefore meet this standard.

- c) **Access Required:** (YCC 19.10.040(3)) When a proposed use requires access to a County roadway, the approach location shall be reviewed by the County Engineer.

Staff Finding: The applicant is proposing that the ADU share the same access onto Roza Hill Drive as the primary Residence. This decision conditions that the applicant obtain a RAP from the Transportation Division prior to obtaining building permits. For more information, 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 Uses Table 19.14-1 within Chapter 19.14.”

Staff Finding: Accessory Dwelling Units are listed as allowed uses in the R – 10/5 zoning district according to the Allowable Land Use Table 19.14-1. The level of review is discussed in Finding 7 of this decision above.

- 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 applicant shall obtain and finalize all necessary permits for the proposed ADU from the Yakima County Building and Fire Safety Division. For more information, please contact the Yakima County Building and Fire Safety Division at (509) 574-2300.

- f) **Setbacks, Easements and Right-of-Way:** (YCC 19.10.040(6)) Chapter 19.11 lists the standard minimum setbacks of buildings or other structures and uses in the R-10/5 zoning district in Table 19.11.030-2. The subject parcel borders an access easement on the east and south property line. The setback from this easement is 10 feet. Interior side and rear setbacks for primary structures from adjoining lots shall be 10 feet from the property line. Dwelling and other especially sensitive land uses (ESLU) adjacent to Mineral Resource designated parcels are subject to a 500 foot setback.

Staff Finding: Based on the provided site plan, Administrative Adjustment application and setbacks discussed in Finding 8(c), the ADU will meet the required setbacks.

- g) **Vision Clearance Triangles at Intersections and Driveways:** (YCC 19.10.040(7)) “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. 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 applicant does not propose to place any structures in the Vision Clearance Triangle, therefore meeting this standard.

- h) **Maximum Lot Coverage and Building Height:** (YCC 19.10.040(8)) Lot coverage is defined as “the percentage of the area of a lot covered by buildings, accessory structures, or other impervious surfaces” (YCC 19.01.070(12)). Building height is defined as “the vertical distance from grade plane to the average height of the highest roof surface” (YCC 19.01.070(2)).

Staff Finding: According to Table 19.11.030-2, the maximum lot coverage is not specified in the R – 10/5 zoning district. Table 19.11.030-2 states that maximum building height in the R – 10/5 zoning district is 35 feet. The proposed ADU will meet the requirements of this 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: The applicant has not proposed fences, walls or recreational screens, therefore meeting the requirements of this standard. However, in the future if fences, walls or recreational screens are proposed they shall comply with the standards set forth in YCC 19.10.040(9) above.

- 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.”

Staff Finding: The applicant is not proposing any exterior lighting with this project. However, in the future if exterior lighting is proposed it shall comply with the standards set forth in YCC 19.10.040(10) above.

- 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."

Staff Finding: The parcel on which the proposed activity will occur is not within a floodplain. Therefore a pre-application meeting is not required.

- l) **Stormwater Requirements:** (YCC 19.10.040(12)) "is intended to ensure public and private development projects comply with the National Pollution Discharge Elimination System (NPDES) permit requirements under the Federal Clean Water Act (CWA) where applicable."

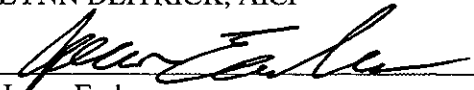
Staff Finding: This decision conditions that all stormwater generated on the subject parcel be retained on site. Please contact the Water Resources Division, at (509) 574-2300 for questions regarding soils and stormwater.

DECISION

Based upon the above findings, the Yakima County Administrative Official hereby Conditionally Approves the application of Timothy Heily, for an accessory dwelling unit, subject to the conditions listed above.

Administrative Official: LYNN DEITRICK, AICP

Designee:



Jason Earles
Planning Section Manager, Subdivision/Zoning

Date:

02/08/18

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., 2/22/18. 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.

If you have any questions regarding this decision or the appeal process, please contact Jacob Clay, Planner, of our staff at (509) 574-2300.

Attachments:

- A. YCC 16B.07.050 – Compliance, Extension, Expiration and Reinstatement
- B. Accessory Dwelling Unit Application
- C. Administrative Adjustment Application
- D. Narrative
- E. Site Plan
- F. Internal comments
- G. Covenant Instructions
- H. Accessory Dwelling Unit Restrictive Covenant
- I. Especially Sensitive Land Use Covenant

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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, nation 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: 10/01/15

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)

- 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.
- What is the total gross square footage (area) of the ADU? 700 square feet
- What is the total gross square footage (area) of the main residence? 1890 square feet
- 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.
- On which side of the ADU will the front entrance be located? West (facing main house)
- Are you proposing to use a park model for the ADU? Yes No
- Will the ADU be constructed of material and paint color similar to the primary residence?
 Yes No, explain: _____
- A minimum of four (4) parking spaces are required (2 each for the primary residence and ADU). Are you able to provide a minimum of 4 parking spaces? Yes No
- The ADU must share the same access as the primary residence. Will the ADU meet this requirement?
 Yes No
- What type of road serves the property? Private Road Public Road (County, City or State Highway)
a. What is the road surface: Gravel Paved
- 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
- 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.
- 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.) The ADU is an existing building and has met all land use and permits. we are remodeling existing shop into guest quarters.
- 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: B



RESOURCE SETBACK ADJUSTMENT FORM

FINAL
Revised 10/01/15

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

1. Which resource type are you requesting a reduction:
 - Agricultural Resource from Agricultural zoned property.
 - Agricultural Resource from Rural zoned property.
 - Mineral Resource
 - Forest Resource
2. Amount of Adjustment Requested:
Zoning Standard requires: 150' (Ag zoned) 60' (From Rural) 500' (Mineral) 200' (Forest)
Proposed setbacks from all property lines {setbacks cannot be reduced by more than 50%, or less than 60', unless otherwise allowed under YCC 19.35.020(6)(d)}:
 - from the north property line
 - _____ from the east property line
 - _____ from the south property line
 - _____ from the west property line
3. Under the current configuration of your lot are you able to meet the required resource setback? Yes No
4. Is there a physical barrier on the property that impacts resource setback? Yes No
If Yes, what is the physical barrier? _____
5. Have you talked with the affected neighbor and discussed any possible mitigation to reduce any potential conflicts? (If so, you may attach a letter of support from the adjoining resource property owner.) Yes No
6. Was the property created through a subdivision? Yes No
If yes, please list the subdivision recording number: _____
7. Are there residences on the subject property and/or adjoining parcels that encroach into the same setback? Yes No
If yes, please indicate the location and the setback: _____
8. Is the adjoining lot, from which the reduction is requested, equal to or small than 3 acres? Yes No
9. Does the adjoining lot, from which the reduction is requested, contain an existing residence? Yes No
9. Is there a road and/or canal right-of-way separating the subject property from the property in which the reduction is requested? Yes No
10. Will the strict application of the required setback result in a greater impact to the commercial resource operation? Yes No
11. What measures are proposed to mitigate for the potential conflicts between the proposed use and the resource activity?

* Both structures (house & shop building) have been in place since the early 1980's. The landfill (north of property line) has not ever been an issue with building permits issued. The proposed ADU project is currently for an internal remodel to an existing small studio apt. in the shop building. no additional renovations are being made, other than some carpentry work inside.

Attachment: C



NARRATIVE FORM

FINAL
Revised 10/01/15

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

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.

Current use of site includes a main house (1890 sq ft) living space and a shop building (1200 sq ft) ADU is proposed for the existing shop building. Proposed use of ADU is for guest quarters, we live in main house. (2 adults) no adjustments need to be made to current infrastructure (roads, driveway, water, sewer)

Attachment: D

No new structures will be added. Review site plan for proposed remodel for existing structure (shop building), 1 bedroom, 1 bath, kitchen, living room, suitable for 1-2 adult guests. The main house and proposed ADU have paved driveway, suitable for 4-6 parking spaces. Site is landscaped with lawn, bushes, and trees. An established vineyard is on the other side of property line on the north side of ADU and main house. A large yard light supports both the main house and ADU. All of these specifics are already in place and not a part of this proposal. Access to the property is off of Roza Hill Dr, onto a private shared gravel road. ADU access will be shared with main house. ADU ~~is~~ shares community well and existing sewer with the main house. The existing building (ADU) is already equipped with water and sewer.

ADU Building was permitted approximately in 1985. Timeline for completion of proposal is 4-6 weeks from submission date. All specifics of proposal can be reviewed in this document and the site plan completed by our contractor: Bullseye Carpentry, LLC
1716 Parsons Loop Yakima WA 98908

Please use additional pages as needed

509-249-1040



MINIMUM REQUIREMENTS SITE PLAN SUBMITTAL CHECKLIST

FINAL
Revised 10/01/15

Land Use Actions

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

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 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. Grid paper or picture backgrounds are not acceptable, the map must be reproducible
2	<input type="checkbox"/>	Blue or Black Ink, in order that they may be photocopied.
3	<input type="checkbox"/>	North Arrow (north should be pointing to the top of the page)
4	<input type="checkbox"/>	Legend to include:
	<input type="checkbox"/>	<i>Owner/Applicant Name</i>
	<input type="checkbox"/>	<i>Date the Site Plan was drawn.</i>
	<input type="checkbox"/>	<i>Name, address and telephone number of the person preparing the site plan</i>
	<input type="checkbox"/>	<i>Tax Parcel Number</i>
	<input type="checkbox"/>	<i>Standard engineering scale of the drawing (at least: 1" = 200 ft.)</i>
5	<input type="checkbox"/>	Property line dimensions of all lot(s) involved in the project.
6	<input 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 type="checkbox"/>	Location of new and/or expanded public and private utility infrastructure.
8	<input type="checkbox"/>	Streets and access easements, with the name, dimensions, type (public or private) and road surface (paved, gravel or dirt).
9	<input type="checkbox"/>	Location, dimension and design of off-street parking facilities and points of ingress (to) and egress (from).
10	<input type="checkbox"/>	Location of pedestrian and vehicular circulation patterns, sidewalks, trails and bicycle paths.
11	<input 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 type="checkbox"/>	Location and dimensions of all proposed exterior land uses.
13	<input type="checkbox"/>	The distance from existing and proposed structures to the centerline of state, county, or private access roads.
14	<input type="checkbox"/>	Location of structures on the adjoining lots, which may cause compatibility issues.
15	<input 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. (*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.)
16	<input type="checkbox"/>	Description of the extent to which any watercourse will be altered or relocated as a result of the proposal.
17	<input type="checkbox"/>	Proposed location and dimensions of community and other open space.
18	<input type="checkbox"/>	Existing and proposed landscaping, site screening, street trees and stormwater drainage facilities.
19	<input 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 type="checkbox"/>	Proposed contours and grading as they affect lot layout, streets, and drainage ways.
21	<input 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 type="checkbox"/>	Location of adjacent public water, sewer main, fire protection systems and other underground facilities within or adjacent to the development.
23	<input 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.

Attachment: E

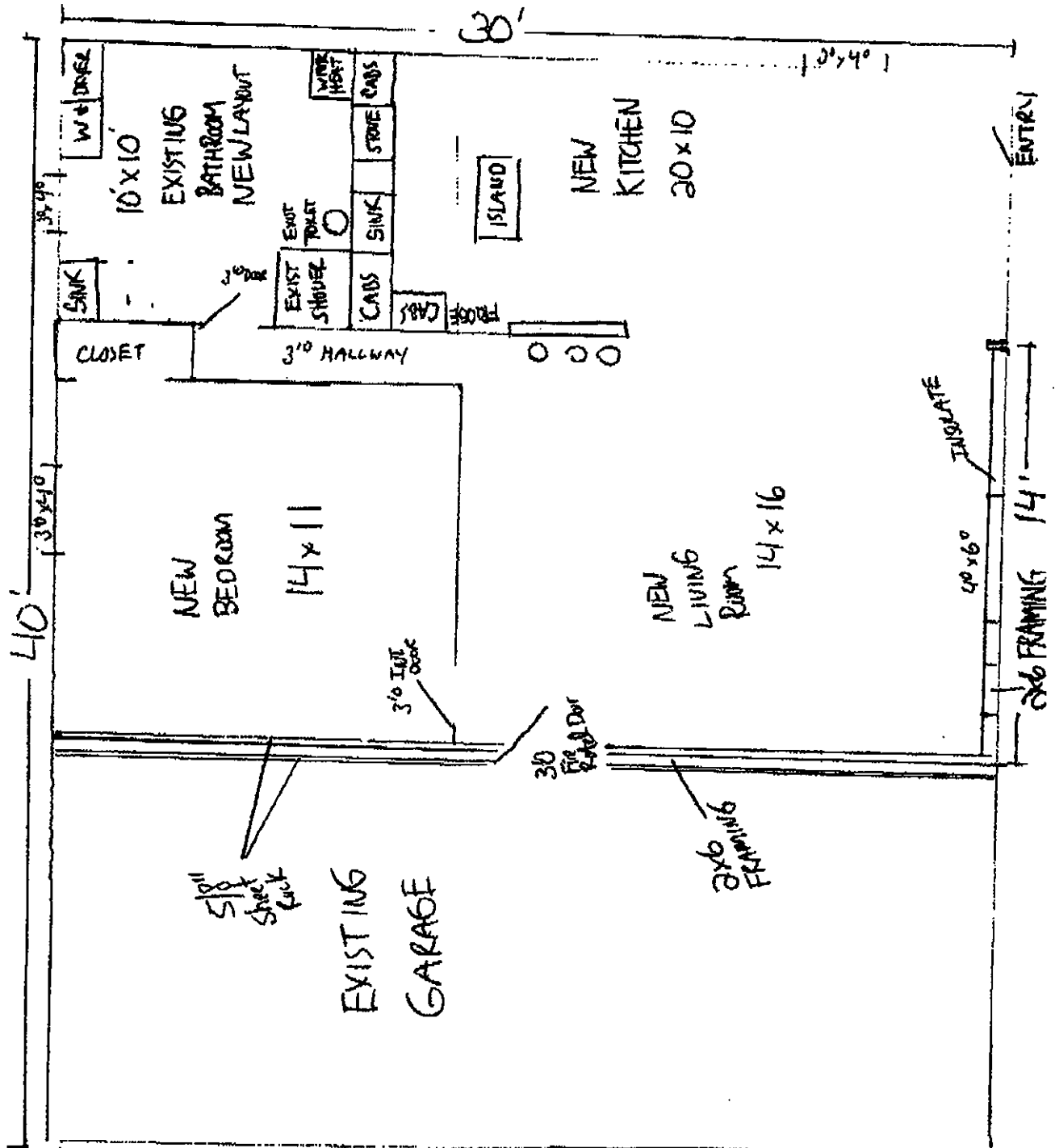
DEC 18 2017

Vern Gary Don Lynn

Harold Lisa Carmen

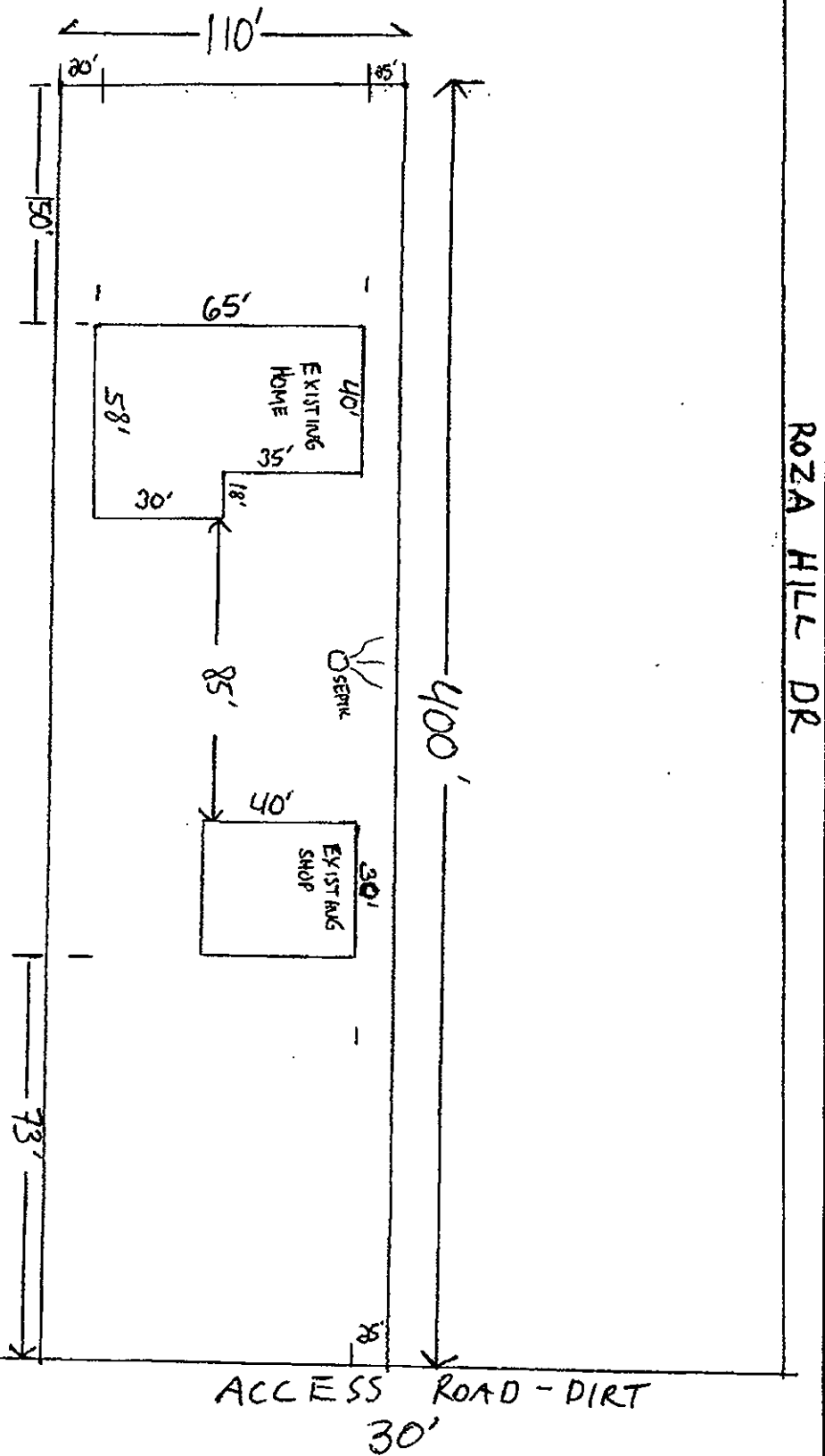
Cap17-124

NEW LIVING AREA - TOP VIEW ← N



SITE PLAN 1" = 50'

N →



Tim Healy
7802 Roza Hill Dr.
961-0637
191324-21408

PC Tracking

Assigned To:

Done By: JXC

Date Created 12/14/2017

Date Due

Finished

12/14/2017

NOI Sent 12-14-17 applicant needs floor plan of ADU, legal descriptions, and Type 2 mineral resource setback application

Surface Water Issues

Assigned To:

Done By: DLW

Date Routed 12/19/2017

Comment Required By 12/21/2017

Response Date

12/19/2017

No comments.

PC Tracking

Assigned To:

Done By: JXC

Date Created 1/3/2018

Date Due

Finished

1/3/2018

Spoke with Robert Taylor and he told me the floorplan was faxed over 12-20-17. Waiting for ESLU Setback application and fee



Covenant Instructions

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

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: G

RETURN TO: Yakima County Planning Division
Public Services Department
Fourth Floor Courthouse, 128 N. Second Street
Yakima, WA 98901

DECLARATION OF COVENANT

Project: CUP2017-00124/VAR2018-00002
Parcel No.: 191324-21408
Owner: Timothy Heily
Grantor: Timothy Heily **Grantee:** The Public

In consideration of the approval by Yakima County of Boundary Line Adjustment **CUP2017-00124/VAR2018-00002**, the undersigned owner(s) of the property legally described as follows:

Legal Description(s) of Record- (See Attached Page) *Portion of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 13 North, Range 19 E.W.M.*

I do hereby affirm that we have been advised that the potential residence on said property would be within 500 feet of properties zoned Mineral Resource (see YCC 19.18.205). As such, the occupants of said property may be subject to increased levels of noise, dust, smoke, odors, traffic, spray drift, the application of chemicals, and other undesirable effects resulting from commonly accepted practices associated with nearby mineral extraction. New residences and other Especially Sensitive Land Uses are subject to a 326-foot setback from adjoining Mining zoned lot(s), unless reduced as provided by the County zoning ordinance. An application to reduce the setback requirement may be necessary if a new residence is to be located on one or more of these lots.

Owner

STATE OF WASHINGTON)
COUNTY OF YAKIMA) ss

On this day personally appeared before me _____, to me known as the individual(s) described herein and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 20

Notary Public in and for the State of
Washington residing at _____

Legal Description for 191324-21408

THAT PORTION OF LOT 4 OF SHORT PLAT NO. 84-249, RECORDS OF YAKIMA COUNTY, WASHINGTON, DECRIVED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER LOT 3 OF SAID SHORT PLAT, THEN NORTH 0° 20' 18" EAST, ON THE EAST BOUNDARY OF SAID LOT 3 EXTENDED, 110.00 FEET, THEN NORTH 89° 42' 17" WEST 396.00 FEET, THEN SOUTH 0° 20' 18" WEST 110.00 FEET TO THE NORTH BOUNDARY SAID LOT 3, THEN EASTERLY TO THE POINT OF BEGINNING.

RETURN TO: Yakima County Public Services
Planning Division
County Courthouse
Yakima, WA 98901

**RESTRICTIVE COVENANT
ACCESSORY DWELLING UNIT**

Project: CUP2017-00124/VAR2018-00002
Parcel No.: 191324-21408
Owner: Timothy Heily
Grantor: Timothy Heily Grantee: The Public

In consideration of the approval by Yakima County of Conditional Use Permit **CUP2017-00124/VAR2018-00002**, the undersigned owner(s) of the property legally described as follows: (See attached for complete legal(s))

Legal Description(s) of Record- (See Attached Page) *Portion of the Northeast 1/4 of the Northwest 1/4 of Section 24, Township 13 North, Range 19 E.W.M.*

In accordance with YCC 19.18.020(1)(b)(vi) and YCC 19.18.020(1)(c)(v)(A) purchaser(s) and lessee(s) are hereby notified that the above described property contains two dwellings, one of which is an Accessory Dwelling Unit (ADU) which cannot be separately sold or divided from the primary single-family dwelling. One or more owner(s) of the property must live in either the primary or ADU 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.

Owner

STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

On this day personally appeared before me _____
to me known as the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 20

Notary Public in and for the State of
Washington, residing at _____.

Legal Description for 191324-21408

THAT PORTION OF LOT 4 OF SHORT PLAT NO. 84-249, RECORDS OF YAKIMA COUNTY, WASHINGTON, DECRIVED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER LOT 3 OF SAID SHORT PLAT, THEN NORTH 0° 20' 18" EAST, ON THE EAST BOUNDARY OF SAID LOT 3 EXTENDED, 110.00 FEET, THEN NORTH 89° 42' 17" WEST 396.00 FEET, THEN SOUTH 0° 20' 18" WEST 110.00 FEET TO THE NORTH BOUNDARY SAID LOT 3, THEN EASTERLY TO THE POINT OF BEGINNING.