Accessory Dwelling Unit

What is an accessory dwelling?

Accessory dwelling units (ADU) are intended to provide a greater range of housing choices in single-family residential districts on lots within a minimum size of 5,000 square feet. It is an additional smaller, subordinate dwelling unit on a lot with an existing or new house. ADUs are limited to one bedroom. A mobile home is not considered an accessory dwelling. An accessory dwelling unit that meets the requirements of this code section may be allowed in the R1-20, R1-10, R1-7.5, R1-6, and R1-5 zones or on any multi-family-zoned lot developed with an existing single family dwelling, except as noted in the code.

What conditions will allow for the establishment of an ADU?

An accessory dwelling unit may be created through the following:

1. Internal conversion within an existing dwelling:
2. Additions to an existing house or garage;
3. Conversion of an existing garage;
4. Inclusion as part of construction of a new single family detached dwelling; or
5. A separate detached dwelling unit that must be located at least 10 ft behind any structural element of the primary unit.

Can I establish an ADU if there are two single-family units on the lot?

You may **not** establish an accessory dwelling unit on a lot of record with two or more single-family residences.

Does an accessory dwelling need a building permit?

Yes. Before receiving a building permit to establish an accessory dwelling, the applicant must record a deed restriction covenant at the county Auditor's office certifying that the owner is occupying one of the dwellings on the lot. An ADU shall comply with applicable building, fire, and health and safety codes. An ADU cannot be occupied until a *Certificate of Occupancy* is issued by the building department.

Do I have to connect to water and sewer?

Yes. An accessory dwelling unit shall connect to public sewer unless a sewer waiver is obtained under Clark County Code, Section 40.370.010.

What is the maximum area allowed for an accessory dwelling?

The total gross floor area of an accessory dwelling shall not exceed 800 square feet or 40 percent of the area of the primary dwelling's living area (whichever is less), excluding uninhabitable floor area, the garage, or other outbuildings. However, under some circumstances, larger units are allowed as follows:

On lots zoned R1-10 that are at least 10,000 square feet, the maximum square footage of an ADU is 1,000 square feet, or 40 percent of the area of the primary dwelling's living area, whichever is less.

On lots zoned R1-20 that are at least 20,000 square feet, the maximum square

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1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/community-development

For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360) 397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

footage of an ADU is 1,500 square feet, or 40 percent of the area of the primary dwelling's living area, whichever is less.

In any case, only one bedroom is allowed.

Are there any restrictions on building heights?

The building height is limited to 25 feet for a detached accessory dwelling unit. Additions to existing dwellings must meet the height restrictions of the zone.

Can I have an accessory dwelling unit if I am operating a home business?

You may have an accessory dwelling if you are operating a Type I, but not a Type II home business (see Home Business handouts). You may not establish a Type II home business following the establishment of an accessory dwelling unit.

What about parking and impact fees?

You may be required to provide on-site parking for an accessory dwelling if there is no on-street parking. You are required to pay impact fees at the same rate as those imposed for multi-family dwelling units.

What if the accessory dwelling is occupying the same lot with a property that is designated a historic site?

The accessory dwelling must follow specific design guidelines to conform with the existing primary dwelling, including exterior materials, trim on edges of elements, windows, pediments and dormers.

Are there other design guidelines that are applicable to an ADU?

Yes. Plain concrete, concrete block, corrugated metal, or plywood are prohibited if they are not the predominant exterior finish material on the primary dwelling, unless these materials duplicate or reflect the predominant finish. In addition, for buildings over 15 feet in height, the pitch of the ADU roof must be the same as the predominant pitch of the primary dwelling structure.

What is the application process?

An application form and the *Accessory Dwelling Unit Agreement and Decision* form (see attached) must be completed and submitted to the Clark County Public Service Center, Permit Center, located at 1300 Franklin Street, Vancouver, Washington.

This handout includes responses to questions related to the requirements for establishing an ADU, including the requirement for a building permit, and a checklist that the applicant must complete and sign. It also includes a *Covenant Running with the Land* which the applicant must notarize and record with the Auditor's office certifying that the owner is occupying one of the buildings on the lot.

The application packet will be reviewed by Clark County staff to determine if the applicant has satisfied all the applicable conditions.

What if I didn't provide all the required information?

Applications with incomplete information will be returned to the applicant at the counter. If the applicant fails to provide all required information, staff cannot act on the agreement and decision form until the applicant provides the information identified in the packet.

What kind of public notice is provided?

None.

What is a Staff Report and when will the decision be made?

Staff's role is to prepare a Staff Report that summarizes their review of the proposal against the requirements of the Clark

County Code. In this report, staff will make a decision to approve, approve with conditions or deny the application. This written report will be mailed to the applicant within 21 calendar days of the Fully Complete determination.

Can the decision be appealed?

Staff's decision may be appealed to the county Hearing Examiner by the applicant or any interested party. An appellant must submit an appeal application and fee within 14 calendar days after the written notice of the decision is mailed.

Note: This handout is not a substitute for a county code. For more detailed information, please refer to Clark County Code Section 40.260.020 Accessory Dwelling Units.

Fee schedule

The following fees are required to be paid when the application is submitted.

Planning (Type I Site Plan Review)	$1,621
Issuance	$94

Accessory Dwelling Agreement and Decision

Applicant

Name: _____

Address: _____

Phone: _____

Property owner

Name: _____

Address: _____

Phone: _____

Accessory dwelling / existing property

Address: _____

Parcel number: _____

Legal description: _____

Following is a list of the required conditions for placing accessory dwelling units on a lot. Please read and **initial each item**, and sign the certification agreeing to these conditions.

___ Applicant understands the Fire Marshal shall review location of accessory dwelling unit for compliance before obtaining a building permit.

___ Application and building permit fees have been paid. Attach copies of receipts.

___ A copy of the plot plan is attached. The plot plan, a scale drawing prepared by applicant on an 8.5 X 11 sheet, shall contain information such as:

- ❑ Outline and dimensions of the property boundaries;
- ❑ Location of all existing/proposed building structures;
- ❑ Distance from proposed structure to any steep slopes or water bodies;
- ❑ Location of any wells and water lines, septic tanks, sewer lines/drainfield areas;
- ❑ All easements crossing the property;
- ❑ Underground power lines; and,
- ❑ Location of legal access(es).

___ Applicant has completed Accessory Dwelling Unit checklist, see page 5.

___ A color photograph of the primary dwelling unit is attached.

___ Applicant is submitting a scaled building plan elevation for the primary and accessory dwelling units. Drawing shall show materials used, dimensions, siding and roof materials and colors, roof slopes, window types and any other architectural features.

___ Approval letter from public sewer & water purveyor is attached.

___ Utility review approval from water purveyor is attached certifying ability to meet water pressure and fire flow requirements of the Fire Marshal.

___ Applicant/owner has recorded *Covenant Running with the Land* with the Auditor's office.

Accessory Dwelling Unit Checklist

This ADU is being built as: (check one)
___ Internal conversion
___ Addition to an existing single family house
___ Conversion of garage
___ Detached unit
___ Included in new construction of a single family house

ADU allowed square footage
Primary living sq. ft. ____ x .40 = _____ sq. ft. allowed for ADU with a maximum of 800 sq. ft.

For lots in the R1-10 and R1-20 zones, refer to CCC 40.260.020 for maximum allowed ADU square footage.

Lot coverage (in sq. ft.)
Primary + outbuildings =____
Footprint of ADU= _____

Existing residence setbacks
Front _____
Side _____
Rear _____
Street side _____
Garage _____

ADU setbacks
Front _____
Side _____
Rear _____
Street side _____
Garage _____

Attached _____
Detached _____

Building Height
Primary unit _____
ADU _____
If ADU is over 20 feet in height, does it have a pediment or dormer, if one is present on the primary dwelling unit? **Y / N**

Home business on site? Y / N
If yes, describe fully in separate narrative.

Primary unit parking spaces
On-street parking available? **Y / N**
Number of spaces on-site _____

ADU parking spaces
On-street parking available? **Y / N**
Number of spaces on-site _____

Entrances/Egress
How many front doors exist on primary dwelling unit? ____

Give location of ADU entry, if ADU is internal or a garage conversion? (Side or rear entry)
_____

If there is a front door on an addition or garage conversion, did it exist prior to application?
Y / N

Authorization
I have read and understand the above conditions for placing accessory dwelling unit(s) on my property, and hereby certify that all information submitted with this application are complete and correct.

_____
Signature Date
Letter of authorization required if other than property owner.

Decision

Based on the information submitted in the application packet, the above certification, and other information in county records, county staff has reviewed this request against the applicable standards and criteria in Clark County Code Section 40.260.020, summarized above, and have determined that permit application is:

❒ **Denied** Reason:
_____

❒ **Approved**, subject to these conditions:

1. _____
_____
2. _____
_____
3. _____
_____

_____ _____
Staff Date Manager Date

COVENANT RUNNING WITH THE LAND

This is a covenant to Clark County, State of Washington, hereinafter “County,” in conjunction with a request for a building permit for construction of an accessory dwelling unit on a lot with, or in, in existing or new primary residential structure, whereby the owners of certain real property on behalf of themselves and all their heirs, assigns and successors in interest into whose ownership said property shall pass, covenant that such owners will occupy one of said residential units as the owners’ principal and permanent residence.

Owners, herein, covenant and agree to Clark County on behalf of themselves and all their heirs, assigns and successors of interest, into whose ownership the below-described real property might pass, as follows, it being specifically agreed and covenanted that this is a covenant running with the land therein described:

1. Owners are the sole and exclusive owners of the following described parcel located in Clark County, State of Washington (see legal description attached as Exhibit A.

2. Pursuant to Clark County Code Section 40.260.020, owners covenant that either the primary or accessory dwelling unit is and will continue to be occupied by owners as their principal and permanent residence for as long as the other unit is rented or otherwise occupied. Owners shall maintain residency for at least six (6) months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year.

3. The provisions of this covenant are enforceable in law or equity by Clark County and its successors or assigns;

4. This covenant and all its provisions and each of them, shall be binding upon the owners and any and all of their heirs, assigns, and successors in interest into whose ownership the above-described real property may pass, and any obligation made herein by the owners shall be enforceable against all of their heirs, assigns, and successors in interest into whose ownership the above-described real property may pass.

5. This covenant will terminate automatically if the property is subdivided and the accessory dwelling unit is located on a separate legal lot pursuant to Chapter 58.17 RCW.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year indicated below.

Dated this _____ day of _____, 20__

OWNERS:

_____

_____

STATE OF WASHINGTON
COUNTY OF CLARK

I certify that I know or have satisfactory evidence that _____ and _____ are the persons who appeared before me, and said persons acknowledge that they acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated:_____

_____

Notary Public in and for the State of WA
residing at
My commission expires:

Approved as to form:

By_____
Christopher Horne
Deputy Prosecuting Attorney