



## **ACCESSORY DWELLING UNITS**

An accessory dwelling unit shall be allowed on any real property located within unincorporated Benton County that is zoned for single family residences, except for those properties with an Industrial or Commercial zoning designation, thereby meeting the requirements of the Washington State Housing Policy Act of 1993 to incorporate provisions for accessory apartments in the County's zoning ordinance (Title 11 BCC).

**(a) ALL ACCESSORY DWELLING UNITS authorized herein shall meet the following minimum criteria:**

- (1) One (1) accessory dwelling unit is allowed per parcel/lot.
- (2) A single-family dwelling must be located on the parcel/lot where the accessory dwelling unit is to be located.
- (3) The accessory dwelling unit shall not exceed 40% of the total square footage of the single-family home or 800 square feet in size, whichever is smallest.
- (4) The accessory dwelling unit shall consist of no more than one (1) bedroom.
- (5) The accessory dwelling unit shall provide two (2) off-street parking spots.
- (6) An accessory dwelling unit shall be constructed on the site and permanently affixed to the ground by footings and foundation. A recreational vehicle (RV), mobile home, manufactured home, or factory assembled structure is not to be permitted as an accessory dwelling unit.
- (7) The accessory dwelling unit is not allowed on a lot/parcel that has a duplex, multi-family dwelling, a temporary dwelling permit (see BCC 11.42.110), a multiple detached dwelling permit (see BCC 11.42.080) or two (2) or more single-family dwellings.
- (8) The accessory dwelling unit is not allowed to be used in the operation of a home occupation.
- (9) The accessory dwelling unit shall both meet and comply with Benton Franklin Health District standards.
- (10) The accessory dwelling unit shall meet and comply with Benton County Fire Marshal requirements for access.
- (11) The accessory dwelling unit may be permitted as either a ground floor or 2<sup>nd</sup> floor unit.;
- (12) Either the accessory dwelling unit or the single-family dwelling shall be occupied by a landowner(s) as his/her primary residence. The landowner shall maintain residency at least six (6) months out of the year and at no time receive rent for, or otherwise allow to occupy the landowner(s) unit when absent the rest of the year.
- (13) If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached and compliance with subsection (c) below is required.
- (14) The accessory dwelling unit shall comply with the applicable building, fire, critical area, shoreline, and zoning requirements of Title 3, 11, and 15 of Benton County Code.
- (15) The accessory unit shall not be considered as a dwelling unit when calculating density.
- (16) The accessory dwelling unit shall comply with requirements in subsection (b) and (c) below respectively.

**(b) An accessory dwelling unit LOCATED WITHIN OR ATTACHED TO A SINGLE-FAMILY DWELLING shall comply with the following:**

- (1) The accessory dwelling unit must be located within or attached to the single-family dwelling unit with a common wall.
- (2) The single-family dwelling may be a manufactured home or a site built home. Manufactured homes shall obtain Washington State Labor and Industries approval on any modifications or additions to the home prior to receiving building permit approval by Benton County.
- (3) The appearance and character of the single-family residence shall be maintained when viewed from the surrounding neighborhood. Whenever possible, any new entrance shall be placed at the side or rear of the building.
- (4) The occupant of the accessory dwelling unit must be related to the occupant or be providing or receiving continuous care and assistance necessitated by advanced age, illness, or other infirmity. If the occupant of the accessory dwelling unit does not comply with this standard, the applicant may apply for a conditional use permit (see BCC 11.50).
- (5) An accessory dwelling unit may be used as part of a Bed and Breakfast Facility if the single-family dwelling is approved to operate as a Bed and Breakfast Facility (see BCC 11.42.030) and said approval includes the use of the accessory dwelling unit.

**(c) An accessory dwelling unit DETACHED FROM THE SINGLE-FAMILY DWELLING shall comply with the following:**

- (1) All detached accessory dwelling units require approval of a conditional use permit (see BCC 11.50).
- (2) A detached accessory dwelling unit shall comply with the following minimum design standards.
  - (i) The detached accessory dwelling unit may be constructed within an existing outbuilding or be a stand along structure, where the dwelling unit does not share a common wall with the primary single family dwelling. If the accessory dwelling unit is connected to the single-family dwelling through a breezeway or similar means, the accessory dwelling unit shall be considered detached.
  - (ii) An outside entrance to the accessory dwelling unit is required and be placed at the side or rear of the building, when possible, to maintain appearance and character of an accessory use.

**(d) The applicant shall record the permit issued for the accessory dwelling unit with the Benton County Auditor's Office.** The recording fee shall be paid by the applicant for the accessory dwelling unit. The permit shall include a statement that the accessory dwelling may not be sold as a separate residence until such time as the accessory dwelling is located as the sole residence on a legally subdivided parcel.