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CLARK COUNTY  
WASHINGTON

COMMUNITY PLANNING

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### PLANNING COMMISSION RECOMMENDATION

TO: Board of County Council

FROM: Steve Morasch, Planning Commission Chair  
Prepared by: Colete Anderson, Program Manager II

DATE: January 23, 2018

SUBJECT: CPZ2017-00016 Clark County Unified Development Code (Title 40) Amendments.

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### PLANNING COMMISSION RECOMMENDATION

On November 16, 2017, the Planning Commission voted 4 to 3 to approve the staff recommendation to amend the Clark County Unified Development Code (Title 40) for CCC 40.100.070 Definitions, CCC 40.260.073 Cottage Housing, CCC 40.260.020 Accessory Dwelling Units-Urban and CCC 40.260.022 Accessory Dwelling Units-Rural.

### BACKGROUND

Clark County is responding to the communitywide effort to provide a greater variety of housing choices. The proposed amendments to development code are intended to support the diversity of housing choices, increase the variety of housing types for smaller households, and promote housing affordability consistent with the 20-Year Comprehensive Growth Management Plan. A complete summary of amendments provided for community comment is attached to this document in Attachment A.

County Council held two work sessions on August 9 and September 6, 2017 to discuss how the county should respond to this need for a greater variety of housing choices. Following the work sessions, the draft amendments were distributed for community comment. Outreach to date has included two published legal notices, a CVTV Close-up segment, a news release, postings on social media accounts (Facebook, Twitter and NextDoor), information on the county website and a number of newspaper articles. Community open houses were held on October 25 and 26, which were attended by approximately 100 citizens. Comments from the open houses along with other comments received since the Planning Commission hearing are included in Attachment B.

A SEPA determination of non-significance was published in the Columbian newspaper on November 1 and the county has received no comments on the SEPA determination.

Planning Commission held a work session regarding the proposed changes on November 2 and a public hearing regarding the proposal on November 16. As part of the motion, Planning

Commission accepted staff’s recommendation, but added wording to CCC 40.260.020 Accessory Dwelling Units – Urban, and CCC 40.260.022 Accessory Dwelling Units – Rural, that amended the owner occupancy requirement. The Planning Commission also added a provision requiring that Community Development provide an annual report on accessory dwelling units.

**Summary of Proposed Actions**

The proposed amendments provided for community comment are attached to this document in Attachment A. The highlighted text is reflective of the Planning Commission’s additions to the staff proposal.

No.	Title/Chapter/Section	Description
1	40.100.070	Amend. Single-family dwelling definition to include tiny homes.
2	40.100.070	Amend. Accessory dwelling unit definition to remove bedroom restrictions and add clarification between urban and rural accessory dwelling units.
3	40.260.073	Amend. Cottage Housing to reduce the minimum size from 500 sq. ft. to 150 sq. ft.
4	40.260.020	Amend. Accessory Dwelling Units – Urban to allow a full basement ADU, establish a 150 sq. ft. minimum, remove the one bedroom restriction and minimum lot size of 5,000 sq. ft.
5	40.260.022	New. Accessory Dwelling Units – Rural to allow attached ADUs in RC-1, RC-2.5, R-5, R-10, R-20, AG-20, FR-40, FR-80 and AG-WL zones.

**APPLICABLE CRITERIA, EVALUATION AND FINDINGS**

**CRITERIA FOR ALL MAP CHANGES**

- 1. The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act (GMA) and requirements, the countywide planning policies, the Community Framework Plan, Clark County 20-Year Comprehensive Plan, and other related plans.***

*No map changes are proposed.*

**CRITERIA FOR COMPREHENSIVE PLAN POLICY OR TEXT CHANGES**

***The amendment shall meet all the requirements of and be consistent with the Growth Management Act (GMA) and other requirements, the countywide planning policies, the community framework plan, the comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population growth forecasts.***

Findings: The proposed amendments are development code amendments that are consistent with the GMA Goals, community framework plan, comprehensive plan and applicable capital facilities plans.

GMA Goal #4 speaks directly to housing issues. The goal “encourages the availability and affordable housing to all economic segments of the population of this state promote a variety of residential densities and housing types and encourage preservation of existing housing stock.” RCW 36.70A.070(2) and WAC 365-196-410 Housing Element require counties to develop a housing element that include provisions for the existing and projected needs of all economic segments of the community, including a variety of housing types, a variety of housing densities, affordable housing and preservation of neighborhood character. An inventory of housing is also required to gauge the sufficiency of land and availability of existing housing for all economic segments of the community.

RCW43.63A.215 requires counties with a population in excess of hundred twenty-five thousand to include accessory apartment provisions as part of the local government’s development regulation, zoning regulation, or official control. The statute also provides local flexibility by making the regulations, conditions, procedures, and limitations of such provisions subject to local legislative authority.

Countywide planning policy 2.1.7 states “encourage flexible and cost efficient land use regulations that allow for the creation of alternative housing types which will meet the needs of an economically diverse population.”

County 20-year planning policies

2.2.5 Preserve the character of stable residential neighborhoods through selective and innovative zoning techniques.

2.2.6 Encourage a variety of housing types and densities in residential neighborhoods.

2.7.1 Provide opportunities for new development to occur. There shall be no more than 75 percent of any single product type of housing in any jurisdiction (e.g., single-family detached residential). Strategies to achieve these opportunities include but are not limited to:

- Minimum density for single family. These should average: eight dwelling units per acre within the Vancouver urban growth area, six units per acre with the Battle Ground, Camas, Ridgefield and Washougal urban growth area and four units per acre within the La Center urban growth area.
- Minimum density for multi-family.
- Provisions for Accessory Dwelling Units.
- Provision for duplexes in single family.
- Provisions for townhouses/row houses.
- Allowance of manufactured home parks.
- Provision for diversified housing types allowed as part of a Planned Unit Development.
- Recognition of the flexibility allowed in housing types as part of a Mixed Use Development (e.g. living units above commercial areas).
- Recognition of Assisted Living Units as a housing type.

- Provision for diversified housing types allowed as part of a mixed use development.
- Recognition of Senior Housing Units as a housing type.

### **RECOMMENDATION AND CONCLUSIONS**

Based upon the information presented in this report and in the supporting documents, Planning Commission is forwarding a recommendation of **APPROVAL of staff's proposal, as amended**, to county councilors.

**Attachment A**  
**CCC40.100.070 Definitions**

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in the following sections:

- Section [40.240.040](#), Columbia River Gorge National Scenic Area Districts;
- Section [40.250.010](#), Airport Environs Overlay Districts (AE-1, AE-2);
- Section [40.250.030](#), Historic Preservation;
- Section [40.260.050](#), Bed and Breakfast Establishments;
- Section [40.260.100](#), Home Businesses;
- Section [40.260.250](#), Wireless Communications Facilities;
- Section [40.310.010](#), Sign Standards;
- Section [40.386.010](#), Stormwater and Erosion Control;
- Section [40.410.010](#), Critical Aquifer Recharge Areas (CARAs);
- Section [40.420.010](#), Flood Hazard Areas;
- Section [40.430.010](#), Geologic Hazard Areas;
- Chapter [40.460](#), Shoreline Master Program;
- Section [40.560.030](#), Amendments Docket;
- Chapter [40.570](#), State Environmental Policy Act (SEPA); and
- Section [40.610.020](#), Development Impact Fees.

*(Amended: Ord. 2009-06-01; Ord. 2012-07-16; Ord. 2015-11-24; Ord. 2017-07-04)*

Accessory use or structure	“Accessory use” or “accessory structure” means one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the use of the principal building.
Cottage housing	“Cottage housing” means a grouping of small single-family detached dwellings clustered around a common area and developed with a coherent plan for the entire site.  (Added: Ord. 2012-02-03)
Dwelling unit	“Dwelling unit” means one (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family or housekeeping unit for living and sleeping purposes, and having only one (1) kitchen or kitchenette.
Dwelling unit Accessory (ADU)	“Accessory dwelling unit” is an additional, smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. <del>ADUs are limited to no more than one bedroom, and number of bedrooms.</del> A house with an ADU is different from a duplex because the intensity of use is less due to the limitations of size and number of bedrooms, and it has the appearance of a single-family structure. <ul style="list-style-type: none"> <li>• <u>“Urban” means an attached or detached dwelling unit that provides for a greater range of housing types in single-family and multifamily residential districts while protecting the character of the residential neighborhood.</u></li> <li>• <u>“Rural” means an attached dwelling unit (RADU) that provides for a greater range of housing types in Rural and Resource lands while maintaining rural community character and ensuring the conservation, enhancement and protection of resource lands.</u></li> </ul> <i>(Amended: Ord. 2010-08-06)</i>
Dwelling, duplex	“Duplex dwelling” means a building, on a single lot, designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units.
Dwelling, multiple-family,	“Multiple-family dwelling” means a building or portion thereof designed or used as a residence by three (3) or more families, and containing three (3) or more dwelling units.

or multifamily	
Dwelling, single-family	<p>“Single-family dwelling” means a building designed or used for residence purposes by not more than one (1) family, and containing one (1) dwelling unit only.</p> <ul style="list-style-type: none"> <li>• Attached” means sharing a common wall or walls that separate interior occupant space or attached garage space on separate lots. At least fifty percent (50%) of the overall dimension of the attached side or end, as applicable, of each unit shall share a common wall.</li> <li>• Detached” means physically separated.</li> <li>• <u>“Tiny house” means a detached single-family dwelling unit of not less than one hundred and fifty (150), square feet that is constructed or mounted on a foundation and is connected to utilities. A small dwelling unit built on a chassis is considered a recreational vehicle.</u></li> </ul> <p><i>(Amended: Ord. 2009-07-01)</i></p>

Dwelling, townhouse	<p>“Townhouse dwelling” means a form of attached single-family housing where two (2) or more dwelling units share one (1) or more common walls with other dwelling units, and with each dwelling occupying an individually owned parcel of land.</p>
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1 **40.260.073 Cottage Housing**

2  
3 A. Purpose. The purposes of the cottage housing provisions are:

- 4 1. To promote sustainable development practices through smaller, more efficient housing and effective use  
5 of residential land.  
6  
7 2. To diversify the county's housing stock by providing a housing type that is affordable and that responds to  
8 changing household sizes and ages, such as retirees, small families, and single-parent households.  
9  
10 3. To encourage development in existing residential areas by allowing a density bonus and design flexibility.  
11  
12 4. To provide centrally located and functional common open space that fosters a sense of community and  
13 openness within the cottage development.  
14  
15 5. To provide private areas around the individual dwellings to enable diversity in landscape design and foster  
16 a sense of ownership.  
17  
18 6. To maintain the character of existing residential neighborhoods and ensure compatibility between  
19 cottage developments and their neighbors.

20 B. Applicability.

- 21 1. This section applies to cottage housing developments as defined in Section [40.100.070](#).  
22  
23 2. Except within the Mixed Use (MX) zone and the Highway 99 Overlay District (which provide their own  
24 standards), cottage housing shall comply with the standards, requirements, and limitations in Section  
25 [40.260.073](#)(C).  
26  
27 3. The narrow lot development standards in Section [40.260.155](#) shall not apply to cottage housing  
28 developments.

29 C. Development Standards and Requirements.

- 30 1. Cottage housing developments shall be subject to site plan review in accordance with Section [40.520.040](#);  
31 except, where the site is proposed to be platted with each cottage on its own lot, the site plan shall be  
32 reviewed in conjunction with the land division application and a separate site plan review application shall  
33 not be required.  
34  
35 2. Cottage housing developments may be allowed at up to two hundred percent (200%) of the maximum  
36 density of the underlying zone, including any accessory dwelling units.  
37  
38 3. Cottage housing developments shall contain a minimum of four (4) and a maximum of twelve (12) units in  
39 a cluster; provided, that a cottage development may contain more than one (1) cluster.  
40  
41 4. For platted cottage developments, the minimum lot area and lot dimension standards of the underlying  
42 zone shall not apply; provided, that the cottage on each lot meets the setback and separation standards  
43 herein.  
44  
45 5. Cottages and accessory structures shall maintain the following minimum setbacks:  
46 a. Ten (10) feet from public rights-of-way or private street easements.  
47 b. Five (5) feet from external non-street property boundaries.  
48 c. Eighteen (18) feet from a street for garage doors; provided the minimum garage door setback from  
49 an alley may be two (2) feet.  
50 d. Ten (10) feet minimum space between buildings (including accessory structures).  
51  
52 6. On-site parking shall be provided at a minimum rate of one and one-half (1 1/2) parking spaces per  
53 cottage and one parking space per accessory dwelling unit.

- 1
- 2 7. On-site parking may be clustered in common parking lots or detached garages.
- 3
- 4 8. Detached garages may contain up to two (2) accessory dwelling units (ADUs, also known as carriage units)
- 5 per cottage cluster built above the parking spaces.
- 6
- 7 9. Cottage developments shall provide common open space at a minimum rate of four hundred (400) square
- 8 feet per cottage.
- 9
- 10 10. Common open space shall be located with cottages abutting on at least two sides and abutting a
- 11 minimum of fifty percent (50%) of the cottages in the cluster.
- 12
- 13 11. Each cottage shall have a minimum of two hundred (200) square feet of private open space. Private open
- 14 space shall be adjacent to each dwelling unit for the exclusive use of the residents of that cottage. The
- 15 space shall be usable (not encumbered by steep slopes or other physical limitations) and oriented toward
- 16 the common open space as much as possible, with no dimension less than ten (10) feet.
- 17

18 D. Building Design Standards.

- 19 1. Cottages shall have a minimum of ~~five hundred (500)~~ one hundred and fifty (150) and a maximum of
- 20 ~~sixteen twelve hundred (1,600 1,200)~~ square feet gross floor area. The maximum floor area allowed on
- 21 the ground or main floor shall be ~~twelve eight hundred (1,200 800)~~ square feet.
- 22
- 23 2. Cottages located adjacent to a street shall provide a covered entry feature with minimum dimensions of
- 24 six (6) feet by six (6) feet facing the street.
- 25
- 26 3. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least
- 27 eighty (80) square feet in size with a minimum dimension of eight (8) feet on any side.
- 28
- 29 4. The maximum building height shall be twenty-five (25) feet for cottages and ADUs built over garages and
- 30 eighteen (18) feet for accessory structures.
- 31
- 32 5. All portions of building roofs over eighteen (18) feet in height must be pitched with a minimum slope of
- 33 six to twelve (6:12).
- 34
- 35 6. Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of
- 36 architectural styles. Examples include:
- 37 a. Similar building/roof form and pitch.
- 38 b. Similar siding materials.
- 39 c. Similar porch detailing.
- 40 d. Similar window trim.
- 41 A diversity of cottages can be achieved within a “family” of styles by:
- 42 e. Alternating porch styles (such as roof forms).
- 43 f. Alternating siding details on facades and/or roof gables.
- 44 g. Different siding color.

45 *(Added: Ord. 2012-02-03)*

46 \* Code reviser’s note: Ordinance 2012-02-03 adds this section as Section [40.260.075](#). It has been editorially

47 renumbered to avoid duplication of numbering.

48



1 **40.260.020 Accessory Dwelling Units - URBAN**

2  
3 A. Purpose. The purpose of this section is to:

- 4  
5 1. Provide an additional smaller, subordinate dwelling unit on a lot with, or in, an existing or new house.  
6 2. Provide for a greater range of choices of housing types in single-family and multifamily residential districts  
7 while protecting the character of the residential neighborhood.  
8

9 B. Applicability.

- 10  
11 1. Accessory dwelling units may be allowed in the R1-20, R1-10, R1-7.5, R1-6, R1-5 zones or on any  
12 multifamily-zoned (Residential (R) or Office Residential (OR)) lot developed with an existing single-family  
13 dwelling, subject to the requirements of this section.  
14  
15 2. A lot of record lawfully occupied by two (2) or more single-family residences per Section 40.200.050 does  
16 not qualify for an ADU, unless the lot is short platted under Chapter 40.540. If a short plat is approved, an  
17 ADU for each dwelling unit is permitted only if all dimensional standards of the underlying zone and all  
18 other provisions of this section are met.  
19  
20 3. An ADU shall not be located in a dwelling or on a lot where a Type II home business is operating.  
21

22 C. Development Standards.

- 23  
24 1. No more than one (1) ADU per legal lot is permitted and it must be accessory to a single-family residence.  
25

26 ~~2. No accessory dwelling unit shall be permitted on a lot of less than five thousand (5,000) square feet. An~~  
27 ~~ADU shall not contain more than one (1) bedroom.~~

- 28  
29 ~~32.~~ ADUs require building permits to ensure compliance with applicable fire, health, and safety codes.  
30

- 31 ~~43.~~ An ADU may be created through:

- 32  
33 a. Internal conversion within an existing dwelling;  
34 b. The addition of new square footage to the existing house or to a garage;  
35 c. Conversion of an existing garage;  
36 d. Inclusion in the development plans for, or as part of, the construction of a new single-family detached  
37 dwelling unit; or  
38 e. A separate detached dwelling unit on the same lot as the primary dwelling unit when the accessory  
39 unit is located at least ten (10) feet behind the most distant back or side wall or other structural  
40 element of the primary dwelling unit structure.

41 ~~f. Mobile homes are not considered an ADU for the purposes of this subsection. Subject to the~~  
42 requirements of this section, a manufactured or modular home can be considered an ADU for the  
43 purposes of this subsection.  
44

- 45 ~~54.~~ An ADU shall conform to the standards of the zone, including, but not limited to lot coverage and  
46 setbacks.  
47

- 48 ~~65.~~ Building height is limited to twenty-five (25) feet for a detached ADU. Additions to existing dwellings shall  
49 meet the height requirements of the zone.  
50

- 51 ~~76.~~ Allowable Size.

- 52 a. The total gross floor area of an ADU shall not exceed eight hundred (800) square feet or forty percent  
53 (40%) of the area of the primary dwelling's living area, whichever is less, with the following  
54 exceptions for large lots with large primary dwellings or primary dwellings with basements.  
55

- i. On lots zoned R1-10 that are at least ten thousand (10,000) square feet, the maximum square footage of an ADU is one thousand (1,000) square feet, or forty percent (40%) of the area of the primary dwelling's living area, whichever is less; and
- ii. On lots zoned R1-20 that are at least twenty thousand (20,000) square feet, the maximum square footage of an ADU is fifteen hundred (1,500) square feet, or forty percent (40%) of the area of the primary dwelling's living area, whichever is less.
- iii. The total floor area of a basement of the primary dwelling may be used as the ADU, provided that there is a separate exterior entrance for the ADU, and the basement area does not exceed the size of the primary dwelling unit.

- b. The living area of the primary dwelling unit excludes uninhabitable floor area, ~~and garage and of~~ other outbuilding square footage whether attached or detached. If the primary dwelling unit is ~~smaller~~ less than seven hundred and fifty (750) square feet gross floor area, the ADU may be up to three hundred (300) square feet even though this exceeds forty percent (40%) of the primary dwelling unit's living area. The ~~absolute~~ minimum area of an ADU shall be one hundred and fifty (150) square feet. ~~is determined by the building code.~~

87. Parking.

One parking space shall be provided for the ADU. Parking may be provided by the following methods:

- a. On site;
- b. On-street parking; provided, that the parking space is legally available and along the ADU lot's street frontage. Posted-time or day-restricted parking spaces do not qualify as legally available for the purposes of this section; or
- c. If no parking space is available on-site or on-street, a joint agreement for off-site parking may be used subject to Section 40.340.010(A)(5).

98. An ADU shall connect to public sewer and water unless a sewer waiver is obtained under Section 40.370.010.

109. ADUs shall be subject to a seventy-five percent (75%) reduction in transportation and park development impact fees from the rate imposed for multifamily dwelling units.

110. Owner Occupancy.

Prior to issuance of a building permit establishing an ADU, the applicant shall record as a deed restriction in the County Auditor's office a ~~certification~~ covenant by the owner agreeing under oath in a form prescribed by the responsible official that one (1) of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall also agree to 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. The owner shall restrict one dwelling unit to a long-term (30-day minimum stay) rental agreement. Failure to abide by the covenant regarding ~~False~~ ~~certifying~~ owner occupancy ~~shall~~ will be considered a violation of the zoning ordinance and ~~is~~ will be subject to the enforcement actions pursuant to described in Title 32.

(Amended: Ord. 2005-04-12)

D. Design Standards.

- 1. The exterior appearance of an addition or detached ADU shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and colors, roof form and pitch, window style and placement, other architectural features and

1 landscaping. The responsible official may approve variations as necessary to accommodate proposed  
2 energy efficient building features into the ADU.  
3

- 4 2. New entrances for an ADU created by internal conversion or by an addition to an existing primary dwelling  
5 shall be located on the side or rear of the primary residence unless it can be demonstrated that no  
6 feasible alternative exists.  
7
- 8 3. Exterior Finish Materials. Plain concrete, concrete block, corrugated metal or plywood are prohibited if  
9 they are not the predominant exterior finish material on the primary dwelling, unless these materials  
10 duplicate or reflect the predominant finish.  
11
- 12 4. Roof Slopes. For buildings over fifteen (15) feet in height, the slope of the accessory dwelling unit roof  
13 must be the same as that of the predominant slope of the primary dwelling structure.  
14
- 15 5. Historic Structures. If an ADU is on the same lot as or within a historic structure which has been  
16 designated on the national, state or local historic register, the following design guidelines are applicable:  
17
- 18 a. Exterior materials should be of the same type, size and placement as those of the primary dwelling  
19 structure.
  - 20 b. Trim on edges of elements of accessory structures and additions should be the same as those of the  
21 primary structure in type, size and placement.
  - 22 c. Windows in any elevation which faces a street should match those in the primary structure in  
23 proportion, i.e., same height, width and orientation (horizontal or vertical).
  - 24 d. Pediments and Dormers. Each accessory dwelling unit over twenty (20) feet in height should have  
25 either a roof pediment or dormer if one (1) or the other of these architectural features are present on  
26 the primary dwelling.
- 27 6. Accessibility. To encourage the development of ADA-accessible housing units, the responsible official may  
28 allow reasonable deviation from the requirements of this section for features that facilitate accessibility.  
29

30 E. Process.

31  
32 Accessory dwelling units created under Section 40.260.020(C)(3)(e) require Type I site plan review under Section  
33 40.510.010. Building permits may be submitted at the same time as the site plan review.  
34

35 (Amended: Ord. 2010-08-06)  
36  
37

1 **40.260.022 Accessory Dwelling Units – RURAL (RADU)**

2  
3 A. Purpose. The purpose of this section is to provide an additional smaller, subordinate dwelling unit attached to  
4 or in an existing or new house. RADUs are intended to provide for a greater range of choices of housing types in  
5 Rural and Resource lands while maintaining rural community character and ensuring the conservation,  
6 enhancement and protection of resource lands.

7  
8 B. Applicability.

- 9  
10 1. Rural accessory dwelling units may be allowed in the RC-1, RC2.5, R-5, R-10, R-20, AG-20, FR-40, FR-80 and  
11 AG-WL zones, on lots of record that are either already developed with a single-family dwelling, or that will  
12 be developed with a dwelling that includes the primary dwelling unit and the RADU, subject to the  
13 requirements of this section.  
14  
15 2. A lot of record lawfully occupied by two (2) or more single-family residences per Section 40.200.050 does  
16 not qualify for a RADU.  
17  
18 3. A RADU shall not be located in a dwelling or on a lot where a Type II home business is operating.

19  
20 C. Development Standards.

- 21  
22 1. No more than one (1) RADU per legal lot is permitted and it must be attached to and accessory to a single-  
23 family residence.  
24  
25 2. RADUs shall comply with applicable fire, health, and safety codes.  
26  
27 3. A RADU may be created through:  
28  
29 a. Internal conversion of space within an existing dwelling;  
30 b. The addition of new square footage to the existing house, subject to the requirements of the Clark  
31 County Code;  
32 c. Conversion of an existing garage that is attached to a single-family dwelling; or  
33 d. Inclusion in the development plans for, or as part of, the construction of a new single-family detached  
34 dwelling unit.  
35  
36 4. The dwelling unit that includes the primary unit and the RADU together shall conform to the standards of  
37 the zone, including, but not limited to lot coverage and setbacks.  
38  
39 5. Building height shall meet the height requirements of the zone.  
40  
41 6. Allowable Size.  
42  
43 a. Subject to Section 40.260.022(6)(c) below, the total gross floor area of a RADU excluding basements,  
44 shall not exceed fifteen hundred (1,500) square feet or forty percent (40%) of the area of the primary  
45 dwelling's living area, whichever is less.  
46  
47 b. The total floor area of the dwelling's basement may be used as the RADU, provided there is a  
48 separate exterior entrance, and the basement area does not exceed the size of the primary dwelling  
49 unit.  
50  
51 c. The living area of the primary dwelling unit excludes uninhabitable floor area, garage, and outbuilding  
52 square footage, whether attached or detached. If the primary dwelling unit is smaller than seven  
53 hundred and fifty (750) square feet gross floor area, the RADU may be up to three hundred (300)  
54 square feet even though this exceeds forty percent (40%) of the primary dwelling unit's living area.  
55 The minimum area of a RADU shall not be less than one hundred and fifty (150) square feet.

1  
2 7. Parking.  
3

4 One parking space shall be provided on-site for the RADU.  
5

6 8. RADUs shall be subject to development at a seventy-five percent (75%) reduction in transportation  
7 impact fees from the rate under Chapter 40.630.  
8

9 9. Owner Occupancy.  
10

11 Prior to issuance of a building permit establishing a RADU, the applicant shall record as a deed restriction  
12 in the County Auditor's office a covenant by the owner agreeing under oath in a form prescribed by the  
13 responsible official that one (1) of the dwelling units is and will continue to be occupied by the owner of  
14 the property as the owner's principal and permanent residence for as long as the other unit is being  
15 rented or otherwise occupied. The owner shall also agree to maintain residency for at least six (6) months  
16 out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied  
17 unit if absent for the remainder of the year. The owner shall restrict one dwelling unit to a long-term (30-  
18 day minimum stay) rental agreement. Failure to abide by the covenant regarding owner occupancy will  
19 be considered a violation of the zoning ordinance and will be subject to the enforcement actions pursuant  
20 to Title 32.  
21

22 D. Design Standards.  
23

24 1. New entrances for a RADU created by internal conversion or by an addition to an existing primary  
25 dwelling shall be located on the side or rear of the primary dwelling unless it can be demonstrated that no  
26 feasible alternative exists.  
27

28 2. Historic Structures. If a RADU is within a historic structure which has been designated on the national,  
29 state or local historic register, the following design guidelines are applicable:  
30

31 a. Exterior materials should be of the same type, size and placement as those of the primary dwelling  
32 structure.

33 b. Trim on edges of elements of accessory structures and additions should be the same as those of the  
34 primary structure in type, size and placement.

35 c. Windows in any elevation which faces a street should match those in the primary structure in  
36 proportion, i.e., same height, width and orientation (horizontal or vertical).

37 d. Pediments and Dormers. Each accessory dwelling unit should have either a roof pediment or dormer  
38 if either one of these architectural features is present on the primary dwelling.

39 3. Accessibility. To encourage the development of ADA-accessible housing units, the responsible official may  
40 allow reasonable deviation from the requirements of this section for features that facilitate accessibility.  
41

## Attachment B

### Open House Comments

Title 40 Development Code Amendments  
October 25 and 26, 2017

#### Cottage Housing

- Clarify Attached garages (rear) is allowed
- Who maintains common areas, parking, and stormwater
- Can a manufactured or modular unit be a cottage
- Allow a blend of cottage houses & single-family in the same subdivision
- Allow in all single-family zones (add R1-10 and R1-20)
- Reduce # of cottage homes to form a cluster from 12 to 2
- Doesn't impact established neighborhoods
- Provide incentives for cottage housing

#### Urban ADU

- 800 sq. ft. or less is too small
- Want to see examples of modular homes used as ADU
- Issues with increasing density: Parking – Traffic – Schools
- Retain 5000 sq. ft. lot size regulation for ADU's
- Limit on # of ADUs in a neighborhood – provide info to potential homebuyers when a limit is reached for # of ADUs in a neighborhood
- Issue with houses set way back but can't put home in the front yard
- Home business Type 2 restriction - modify to allow a basement unit and a home business
- Notice neighbors of a potential ADU – maybe have a hearing
- Require ADUs to be accessible for people with disabilities
- Streamline permitting process
- Allow charitable groups to put ADUs on their property
- Consult neighbors
- Waive code regulations to allow home in front yard and waive set back requirements if ADU matches character of the neighborhood

#### Rural ADU

- Include in ADU : detached – another part of property
- ADUs – rentals reduce property values
- ADUs impact neighborhoods - more families = more kids in school; transportation impacts; resource concerns; impacts of low-cost properties on established neighborhoods
- Want detached ADU
- 150 sq. ft. minimum size is too small – need bigger for quality control
- Different treatments for rural centers – want detached ADUs
- Allow for conversions of temporary health hardships manufactured homes to ADU
- Need accessible as well as affordable housing – accessible homes when first constructed
- Allow > 40% of size of original home
- Lobby legislature to allow detached ADUs in Rural area
- If we attach a manufactured or model house - how do we attach it to the original house and call it an attached ADU
- Don't like attached ADU proposed code
- Pursue Rural ADU in state law
- What is the process for converting guest houses to ADU – if state allows detached housing