

NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by November 15, 2017.

DESCRIPTION: In light of the housing affordability crisis, Clark County is responding with the following proposed Clark County Unified Development Code (Title 40) amendments. The amendments provide for an increase in the variety of housing options. This SEPA review is for a non-project action.

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

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.

ACTION REQUESTED: It is requested the Clark County Councilors amend the Clark County Unified Development Code (Title 40) to include the changes as identified above.

RESPONSIBLE OFFICIAL:

Oliver Orjiako, Director
Community Planning
PO Box 9810
Vancouver WA 98666-9810
oliver.orjiako@clark.wa.gov

BILL TO:

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PUBLICATION DATE: Wednesday, November 1, 2017

PLEASE E-MAIL OR CALL TO CONFIRM RECEIPT AND PUBLICATION DATE



DETERMINATION OF NON-SIGNIFICANCE

Description of Proposal: *Clark County Unified Development Code (Title 40) Amendments.
(CPZ2017-00016)*

Proponent: *Clark County Community Planning*

Location of proposal, including street address, if any: *n/a*

Lead Agency: *Clark County, Washington*

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments must be submitted by: November 15, 2017

Responsible Official: Oliver Orjiako
Position/title: Director
Address: **RE: SEPA Comments**
Clark County Community Planning
1300 Franklin Street; 3rd Floor
P.O. Box 9810
Vancouver, WA 98666-9810

Date: 10-25-17 **Signature:** Oliver Orjiako

The staff contact person for questions regarding this review is:
Colete Anderson, Planner III, (360) 397-2280 ext. 4516 or Colete.Anderson@Clark.WA.Gov.



Clark County SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960

A. BACKGROUND

- 1. Name of proposed project, if applicable:** *Clark County Unified Development Code (Title 40) Amendments. (CPZ2017-00016).*
- 2. Name of applicant:**
Clark County
- 3. Address and phone number of applicant and contact person.**
*Oliver Orjiako; Director
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810
(360) 397-2280 extension 4112*
- 4. Date checklist prepared:**
October 11, 2017
- 5. Agency requesting checklist:**
Clark County, WA
- 6. Proposed timing or schedule (including phasing, if applicable):**
If approved by the Clark County Councilors, the code amendments would become effective on February 2, 2018.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
No, this is a non-project action.
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
None, this is a non-project action.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None, this is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

None, this is a non-project action.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

This SEPA review is for a non-project action. Clark County is responding to the communitywide effort to provide a greater variety of housing choice. The proposed amendments to the Clark County Unified Development Code(Title 40) are intended to support a diversity of housing choice, 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 are attached to this document.

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3	CCC40.260.073	Amend. Cottage Housing to reduce the minimum size from 500 sq. ft. to 150 sq. ft.
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12. Location of the proposal.

None, this is a non-project action.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat, rolling, hilly, steep slopes, mountainous, other.

Not applicable.

- b. **What is the steepest slope on the site (approximate percent slope)?**
Not applicable.
- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**
Not applicable as this is a non-project action.
- d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**
Not applicable.
- e. **Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**
Not applicable as this is a non-project action.
- f. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**
No, this is a non-project action.
- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**
None, this is a non-project action.
- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**
Not applicable as this is a non-project action.

2. Air

- a. **What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**
Not applicable as this is a non-project action.
- b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
None, as this is a non-project action.
- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

None are proposed as part of this non-project action.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *Not applicable.*

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described water? If yes, please describe and attach available plans.
No.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
None.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
None.

5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.
Not applicable. This is a non-project action.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
No.

b. Ground Water:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Not applicable as this is a non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

Not applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

Not applicable as this is a non-project action.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

No mitigation measures are proposed as part of this non-project action.

4. Plants

a. Check or circle types of vegetation found on the site. *Not applicable.*

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

None. This is a non-project action.

c. List threatened or endangered species known to be on or near the site.

None. This is a non-project action.

- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any;**

None are proposed as this is a non-project action.

- e. **List all noxious weeds and invasive species known to be on or near the site.**

None. This is a non-project action.

Animals

- f. **Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: *Not applicable.***

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

- g. **List any threatened or endangered species known to be on or near the site.**

Not applicable.

- h. **Is the site part of a migration route? If so, explain.**

No.

- i. **Proposed measures to preserve or enhance wildlife, if any:**

No measures are necessary as this is a non-project action.

- j. **List any invasive animal species known to be on or near the site.**

None.

5. Energy and Natural Resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Not applicable.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

No.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

Not applicable.

6. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

None.

- 1) Describe special emergency services that might be required.

Not applicable.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

- 4) Describe special emergency services that might be required.

Not applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

None, this is a non-project action.

- 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

None, this is a non-project action.

b. Has the site been used for agriculture? If so, describe.

No.

c. Describe any structures on the site.

None.

d. Will any structures be demolished? If so, what?

Not applicable.

e. What is the current zoning classification of the site?

None.

f. What is the current comprehensive plan designation of the site?

Not applicable.

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No.

i. Approximately how many people would reside or work in the completed project?

Zero as this is a non-project action.

j. Approximately how many people would the completed project displace?

None.

k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures are necessary as this is a non-project action.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

No measures are necessary as this is a non-project action.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

No measures are necessary as this is a non-project action.

9. Housing

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

Zero as this is a non-project action.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

None.

- c. **Proposed measures to reduce or control housing impacts, if any:**

None.

10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable.

- b. **What views in the immediate vicinity would be altered or obstructed?**

Not applicable.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

No measures are necessary as this is a non-project action.

11. Light and Glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**

None. This is a non-project action.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**

No.

- c. **What existing off-site sources of light or glare may affect your proposal?**

Not applicable.

- d. **Proposed measures to reduce or control light and glare impacts, if any:**

None are proposed for this non-project action.

12. Recreation

- a. **What designated and informal recreational opportunities are in the immediate vicinity? *None.***

b. **Would the proposed project displace any existing recreational uses? If so, describe.**
No.

c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
None are proposed for this non-project action.

13. Historic and Cultural Preservation

a. **Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**
No.

b. **Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**
None.

c. **Proposed measures to reduce or control impacts, if any:**
None are proposed for this non-project action.

d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**
None are proposed for this non-project action.

14. Transportation

a. **Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**
None.

b. **Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**
No.

c. **How many parking spaces would the completed project have? How many would the project eliminate?**
None.

d. **Will the proposals require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**
Not applicable.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Zero as this is a non-project action.

- g. Proposed measures to reduce or control transportation impacts, if any:

None proposed as part of this non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any:

None proposed as part of this non-project action.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? if so, generally describe.

Unknown at this time.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None proposed as part of this non-project action.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee Colete Anderson

Position and Agency/Organization Planner III

Date Submitted: 10-25-17

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

This application proposes a development code change only. No development is proposed at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

2. **How would the proposal be likely to affect plants, animals, fish or marine life?**

This application proposes a development code change only. No development is proposed at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

3. **How would the proposal be likely to deplete energy or natural resources?**

This application proposes a development code change only. No development is proposed at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

This application proposes a development code change only. No development is proposed at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

This application proposes a development code change only. No development is proposed at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This application proposes a development code change only. Demands on transportation or public services and utilities are unknown at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This application proposes a development code change only. No development is proposed at this time. Subsequent site plan or subdivision applications for future development will be prepared and submitted for review and approval.

1 **CCC40.100.070 Definitions**

2
3 Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In
4 addition to definitions provided below, there are chapter-specific or section-specific definitions in the following
5 sections:

- 6 • Section [40.240.040](#), Columbia River Gorge National Scenic Area Districts;
 - 7 • Section [40.250.010](#), Airport Environs Overlay Districts (AE-1, AE-2);
 - 8 • Section [40.250.030](#), Historic Preservation;
 - 9 • Section [40.260.050](#), Bed and Breakfast Establishments;
 - 10 • Section [40.260.100](#), Home Businesses;
 - 11 • Section [40.260.250](#), Wireless Communications Facilities;
 - 12 • Section [40.310.010](#), Sign Standards;
 - 13 • Section [40.386.010](#), Stormwater and Erosion Control;
 - 14 • Section [40.410.010](#), Critical Aquifer Recharge Areas (CARAs);
 - 15 • Section [40.420.010](#), Flood Hazard Areas;
 - 16 • Section [40.430.010](#), Geologic Hazard Areas;
 - 17 • Chapter [40.460](#), Shoreline Master Program;
 - 18 • Section [40.560.030](#), Amendments Docket;
 - 19 • Chapter [40.570](#), State Environmental Policy Act (SEPA); and
 - 20 • Section [40.610.020](#), Development Impact Fees.
- 21 *(Amended: Ord. 2009-06-01; Ord. 2012-07-16; Ord. 2015-11-24; Ord. 2017-07-04)*

22
23

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.
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24

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)
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25

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)	<p>“Accessory dwelling unit” is an additional, smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. ADUs are limited to no more than one bedroom. 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.</p> <ul style="list-style-type: none"> • “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. • “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. <p>(Amended: Ord. 2010-08-06)</p>
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, or multifamily	“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.

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 data-bbox="394 285 1417 407">• “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 data-bbox="394 415 862 445">• “Detached” means physically separated. <li data-bbox="394 453 1398 575">• “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. <p data-bbox="394 632 699 661"><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>

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).

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

D. Building Design Standards.

1. Cottages shall have a minimum of ~~five hundred (500)~~ one hundred and fifty (150) and a maximum of ~~sixteen ~~twelve~~ hundred (1,600 ~~1,200~~)~~ square feet gross floor area. The maximum floor area allowed on the ground or main floor shall be ~~twelve ~~eight~~ hundred (1,200 ~~800~~)~~ square feet.
2. Cottages located adjacent to a street shall provide a covered entry feature with minimum dimensions of six (6) feet by six (6) feet facing the street.
3. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least eighty (80) square feet in size with a minimum dimension of eight (8) feet on any side.
4. The maximum building height shall be twenty-five (25) feet for cottages and ADUs built over garages and eighteen (18) feet for accessory structures.
5. All portions of building roofs over eighteen (18) feet in height must be pitched with a minimum slope of six to twelve (6:12).
6. Cottages and accessory buildings within a particular cluster shall be designed within the same "family" of architectural styles. Examples include:
 - a. Similar building/roof form and pitch.
 - b. Similar siding materials.
 - c. Similar porch detailing.
 - d. Similar window trim.

A diversity of cottages can be achieved within a "family" of styles by:

- e. Alternating porch styles (such as roof forms).
- f. Alternating siding details on facades and/or roof gables.
- g. Different siding color.

(Added: Ord. 2012-02-03)

* Code reviser's note: Ordinance 2012-02-03 adds this section as Section [40.260.075](#). It has been editorially renumbered to avoid duplication of numbering.

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 ~~3.~~ ADUs require building permits to ensure compliance with applicable fire, health, and safety codes.
30
31 ~~4.~~ 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 ~~5.~~ An ADU shall conform to the standards of the zone, including, but not limited to lot coverage and
46 setbacks.
47
48 ~~6.~~ 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 ~~7.~~ Allowable Size.

1 The total gross floor area of an ADU shall not exceed eight hundred (800) square feet or forty percent
2 (40%) of the area of the primary dwelling's living area, whichever is less, with the following exceptions for
3 large lots with large primary dwellings or primary dwellings with basements.
4

- 5 a. On lots zoned R1-10 that are at least ten thousand (10,000) square feet, the maximum square footage
6 of an ADU is one thousand (1,000) square feet, or forty percent (40%) of the area of the primary
7 dwelling's living area, whichever is less; and
8 b. On lots zoned R1-20 that are at least twenty thousand (20,000) square feet, the maximum square
9 footage of an ADU is fifteen hundred (1,500) square feet, or forty percent (40%) of the area of the
10 primary dwelling's living area, whichever is less.
11 c. The total floor area of a basement of the primary dwelling may be used as the ADU, provided that
12 there is a separate exterior entrance and the basement area not exceed the size of the primary
13 dwelling unit.
14
15 d. The living area of the primary dwelling unit excludes uninhabitable floor area, and garage and/or other
16 outbuilding square footage whether attached or detached. If the primary dwelling unit is smaller
17 than seven hundred and fifty (750) square feet gross floor area, the ADU may be up to three hundred
18 (300) square feet even though this exceeds forty percent (40%) of the primary dwelling unit's living
19 area. The absolute minimum area of an ADU shall be one hundred and fifty (150) square feet. ~~is~~
20 determined by the building code.
21

22 87. Parking.
23

24 One parking space shall be provided for the ADU. Parking may be provided by the following methods:
25

- 26 a. On site;
27 b. On-street parking; provided, that the parking space is legally available and along the ADU lot's street
28 frontage. Posted-time or day-restricted parking spaces do not qualify as legally available for the
29 purposes of this section; or
30 c. If no parking space is available on-site or on-street, a joint agreement for off-site parking may be used
31 subject to Section 40.340.010(A)(5).
32

33 98. An ADU shall connect to public sewer and water unless a sewer waiver is obtained under Section
34 40.370.010.
35

36 109. ADUs shall be subject to a seventy-five percent (75%) reduction in transportation and park development
37 impact fees from the rate imposed for multifamily dwelling units.
38

39 110. Owner Occupancy.
40

41 Prior to issuance of a building permit establishing an ADU, the applicant shall record as a deed restriction
42 in the County Auditor's office a ~~certification covenant~~ by the owner agreeing under oath in a form
43 prescribed by the responsible official that one (1) of the dwelling units is and will continue to be occupied
44 by the owner of the property as the owner's principal and permanent residence for as long as the other
45 unit is being rented or otherwise occupied. The owner shall also agree to maintain residency for at least
46 six (6) months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the
47 owner-occupied unit if absent for the remainder of the year. Failure to abide by the covenant regarding
48 ~~Falsely certifying~~ owner occupancy shall will be considered a violation of the zoning ordinance and is will
49 be subject to the enforcement actions pursuant to ~~described in~~ Title 32.
50

51
52 (Amended: Ord. 2005-04-12)
53

1 D. Design Standards.

- 2
- 3 1. The exterior appearance of an addition or detached ADU shall be architecturally compatible with the
- 4 primary residence. Compatibility includes coordination of architectural style, exterior building materials
- 5 and colors, roof form and pitch, window style and placement, other architectural features and
- 6 landscaping. The responsible official may approve variations as necessary to accommodate proposed
- 7 energy efficient building features into the ADU.
- 8
- 9 2. New entrances for an ADU created by internal conversion or by an addition to an existing primary dwelling
- 10 shall be located on the side or rear of the primary residence unless it can be demonstrated that no
- 11 feasible alternative exists.
- 12
- 13 3. Exterior Finish Materials. Plain concrete, concrete block, corrugated metal or plywood are prohibited if
- 14 they are not the predominant exterior finish material on the primary dwelling, unless these materials
- 15 duplicate or reflect the predominant finish.
- 16
- 17 4. Roof Slopes. For buildings over fifteen (15) feet in height, the slope of the accessory dwelling unit roof
- 18 must be the same as that of the predominant slope of the primary dwelling structure.
- 19
- 20 5. Historic Structures. If an ADU is on the same lot as or within a historic structure which has been
- 21 designated on the national, state or local historic register, the following design guidelines are applicable:
- 22
- 23 a. Exterior materials should be of the same type, size and placement as those of the primary dwelling
- 24 structure.
- 25 b. Trim on edges of elements of accessory structures and additions should be the same as those of the
- 26 primary structure in type, size and placement.
- 27 c. Windows in any elevation which faces a street should match those in the primary structure in
- 28 proportion, i.e., same height, width and orientation (horizontal or vertical).
- 29 d. Pediments and Dormers. Each accessory dwelling unit over twenty (20) feet in height should have
- 30 either a roof pediment or dormer if one (1) or the other of these architectural features are present on
- 31 the primary dwelling.
- 32 6. Accessibility. To encourage the development of ADA-accessible housing units, the responsible official may
- 33 allow reasonable deviation from the requirements of this section for features that facilitate accessibility.
- 34

35 E. Process.

36

37 Accessory dwelling units **created under Section 40.260.020(C)(3)(e)** require Type I site plan review under Section

38 40.510.010. Building permits may be submitted at the same time as the site plan review.

39

40 (Amended: Ord. 2010-08-06)

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 accessory to a single-family
23 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)

1 square feet even though this exceeds forty percent (40%) of the primary dwelling unit's living area.
2 The minimum area of a RADU shall not be less than one hundred and fifty (150) square feet.

3
4 7. Parking.

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

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

10
11 9. Owner Occupancy.

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

22
23 D. Design Standards.

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

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

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

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

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

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

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